The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 1.

BANGALORE, THURSDAY, JANUARY 5, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 260—*L. C. Enc. 1, dated* 21*st December* 1910.

Under Rule 32 of the Rules for the Conduct of Business of the Mysore Legislative Council, the following Bill to amend the Indian Evidence Act (I of 1872) as in force in Mysore is published for general information, with a statement of objects and reasons.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

A Bill to amend the Indian Evidence Act as in force in Mysore.

Whereas it is expedient to amend the Indian Evidence Act as in force in Mysore with respect to the accounts and other documents relating to the affairs of the Palace and maintained by the Officer in charge of the Palace Establishments of His Highness the Maharaja of Mysore; His Highness the Maharaja is pleased to enact as follows:—

1. The following section shall be inserted after Section 77 of the Indian Evidence Act (I of 1872) as in force in Mysore, *viz.*,—

"77 A. (1) The provisions of Sections 76 and 77 shall be applicable to all accounts and other documents (except such as may be held to fall under the exception provided in Section 123 A) in the custody of the Officer in charge of the Palace Establishments, Mysore, relating to the affairs of the Palace Department.

(2) In giving copies of entries of any books of account, the Officer in charge of the Palace Establishments, Mysore, shall, if required by the Judge of a Court in relation to a suit or other proceeding pending before such Court, add a further certificate that the copy contains a true extract of all the entries in the account books of the Palace, and that no other entries are to be found therein, relevant to the matters in issue in such suit or proceeding."

2. The following shall be inserted under Section 123 of the said Act, *viz.*:—

"123 A (1) When any party to a suit or other judicial proceeding calls for the production of accounts or other documents in the custody of the Officer in charge of the Palace Establishments, Mysore, or applies to him for certified copies thereof under the provisions of Section 76 of this Act, the said officer may, if he considers that it is inexpedient to produce such documents in Court or to give certified copies thereof, by endorsement in writing, refuse to do so.

(2) Whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies, shall not be admitted in evidence against any of the parties who objects to their being so admitted.

(3) The provisions of Sub-section 1 of this section shall not apply to a suit or other proceeding to which the Officer in charge of the Palace Establishments, Mysore, is, in his official capacity, himself a party."

STATEMENT OF OBJECTS AND REASONS.

It has been brought to the notice of Government that considerable inconvenience is at present experienced by the Officer in charge of the Palace Establishments, Mysore, in his having to attend to requisitions of civil courts for the production in court, at the instance of private parties, of accounts and other documents connected with the affairs of the Palace. Under the existing law, the production of these papers cannot be refused by the Palace Officer; nor are certified copies of these ordinarily admissible in evidence. Requisitions by courts for such papers have very largely increased of late years and as, not infrequently, they are vague and indefinite, the Officer in charge of the Palace Establishments is put to a great deal of trouble and inconvenience. With the view, therefore, of minimising this inconvenience, while affording all reasonable facilities to private parties desiring the production of Palace papers in courts, it has been considered desirable to amend the law of evidence so as to allow certified copies of these documents being admitted in evidence. It is found necessary to empower the Palace Officer to withhold the production of these documents or to refuse the grant of certified copies if, considering the nature of the documents sought to be produced, he deems it undesirable that they should be made available to the public. In such cases, the interests of private parties are specially safeguarded by providing that whenever the Officer in charge of the Palace Establishments, Mysore, has declined to produce, or give certified copies of all the documents required by both parties to a suit or other proceeding, the other documents produced by him or certified copies of other documents of which he has furnished certified copies shall not be admitted in evidence against any of the parties who objects to their being so admitted.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 2.

BANGALORE, THURSDAY, JANUARY 12, 1911.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. 1 OF 1911.

(Received the Assent of His Highness the Maharaja on the 4th day of January 1911.)

The Tank Panchayet Regulation.

Whereas, with a view to provide that the obligations of raiyats in regard to the maintenance of major tanks and the restoration, repair and maintenance of minor tanks shall be satisfactorily carried out, it is expedient to constitute Panchayets to have control over the tanks and to administer the funds that may be assigned for their restoration, repair and maintenance; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. (1) This Regulation may be called the "Tank Panchayet Regulation, 1911."

Short title.

Local extent.

(2) It extends to the whole of Mysore; and

Commencement.

(3) It shall come into force on the sixth day of February 1911.

2. In this Regulation, unless there is something repugnant in the subject or context,—

Definitions.

(1) "Tank" means an irrigation tank and shall include an anikat, a voddu, a talparige, and a channel whether used as a feeder, irrigation or distribution channel and whether drawn from a tank, anikat, river, or water course ;

(2) "A major tank" means a tank the annual assessment on whose irrigable area is not less than Rs. 300 and shall also include such other tanks as the Government may for any reason notify as major tanks ;

All other tanks are "minor tanks ;"

(3) "Construction" means the creation of a new tank ;

(4) "Restoration" means restoring to an efficient condition a tank which from neglect, accident or other cause has fallen into disuse or become impaired or less efficient than formerly ;

(5) "Improvement" means increasing the capacity of a tank so as to provide additional water for irrigation or otherwise rendering it more useful for purposes of irrigation ;

(6) "Maintenance" means works of petty repair required to keep or maintain a tank at the standard of safety that may be fixed for it after its construction, restoration or improvement, and includes the following :—

(i) The maintenance of the bund to the standard level and with the slopes specified, the specification of the level and slope being in accordance with the existing state of things and being approved both by the Executive Engineer and the Deputy Commissioner of the District ;

(ii) The filling up of gullies or other inequalities caused by rain, the treading of cattle or any other cause upon the bunds of tanks and channels ;

(iii) The checking of the growth on bunds of prickly-pear, and any similar rank and pernicious weed ;

(iv) The clearing of any underwood from the bunds of tanks wherever it may be injurious ;

(v) The clearing and repair of the earthwork of petty and branch channels, and the clearing away of the accumulations in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields ;

(vi) The keeping in order the supply channels of tanks ;

(vii) The watching of the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluice, and generally the performance of minor duties of this nature in order to prevent breaches and other accidents.

(7) "Village" includes a group of villages or any specified area for which a Tank Panchayet may be constituted ;

(8) The expression "customary obligations" means obligations enforceable under the Notification of the Chief Commissioner of Mysore, No. 65, dated the 2nd October 1873, as amended by Government Notification No. 5262—Agri. 626-03-7, dated the 15th December 1904 ;

(9) "Raiyats" shall mean the individuals on whom such customary obligations devolve ;

(10) "Patel" and "Shanbhog" mean the persons officiating as patel and shanbhog, respectively, of the village, and where there are more than one such patel or shanbhog, such one of the patels and such one of the shanbhogs, respectively, as may be selected by the Deputy Commissioner for the purposes of this Regulation.

Constitution of Tank Panchayets.

3. For any village for which the Government may consider it expedient to do so, and where a majority consisting of not less than two-thirds of the raiyats and holding in the aggregate not less than half the occupied area of wet lands under the tank so desire, the Government may constitute a Panchayet composed of the patel and the shanbhog, and three or more members elected by the raiyats as hereinafter prescribed.

Qualifications for election to Panchayet.

4. Subject to the disqualifications mentioned in Section 5, (1) every raiyat who—

(*a*) pays an annual assessment of not less than Rs. 20 on wet or garden lands in the village, or

(*b*) pays an annual assessment of not less than Rs. 10 on dry lands in the village, or

(*c*) pays in the village an annual mohatarfa tax of not less than Rs. 5, or

(*d*) pays in the aggregate an amount not less than Rs. 25;

(2) every person who is in possession of an inam of wet, garden or dry lands in the village, the survey valuation of which is not less than the minimum prescribed in respect of these lands in clauses (*a*) and (*b*), or who is in possession of inam lands in the village the aggregate survey valuation of which added to any mohatarfa tax which he might pay in the village, amounts to not less than Rs. 25,

shall be qualified for election to the Panchayet.

Provided that the Government may, by notification published in the official Gazette, reduce, for any local area, the minimum amounts of assessment or mohatarfa tax prescribed above.

Disqualifications for election to Panchayet.

5. No person may be elected as a member of a Panchayet,

(*a*) who has been convicted by a Criminal Court of an offence which, in the opinion of the Deputy Commissioner, disqualifies him for holding the office, or

(*b*) who is, in the opinion of the Deputy Commissioner, not physically and mentally capable of discharging the duties of his office, or

(*c*) who is less than 21 years of age, or

(*d*) who is not of the male sex.

Provided that an appeal shall lie to the Government against an order passed by the Deputy Commissioner under clauses (*a*) and (*b*).

Number of elected members of a Panchayet.

6. The number of elected members of a Tank Panchayet shall be fixed by the Deputy Commissioner; and of the number so fixed such number, not less than one-fourth or more than one-half, as may be decided by the Deputy Commissioner, shall be elected by the raiyats holding dry lands or paying mohatarfa but not holding wet or garden lands, from among themselves; and the rest shall be elected by the raiyats holding wet or garden lands with or without dry lands, from among themselves.

Notification of the constitution of a Panchayet.

7. (*a*) The constitution of a Tank Panchayet and the names of its members shall be notified in the official Gazette.

Term of office of elected members.

(*b*) The elected members of a Tank Panchayet shall hold office for a term of three years.

Liability to removal from office.

8. (*a*) The Deputy Commissioner, if he thinks fit, may, on the recommendation of the Tank Panchayet, and subject to the sanction of Government, remove any member of the Panchayet, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct, or has become incapable of performing his duties.

Casual vacancies how to be filled up.

(*b*) In the event of the death, resignation, disqualification, disability or removal of a member of a Tank Panchayet previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Patel to be Chairman of Panchayet.

9. The Patel shall be the Chairman of the Tank Panchayet and shall conduct all correspondence on behalf of the Panchayet.

The Tank Fund.

10. (1) The Panchayet shall have control over a fund to be called the Tank Fund made up of the following items:—

(*a*) the amounts collected from raiyats under Section 12;

(*b*) the rent or value of the share of produce or the sale proceeds received under Section 13;

(*c*) such grant out of the Irrigation Cess Fund, as the Government may, from time to time, make to the fund;

(*d*) any other grant which the Government may make to the fund;

(*e*) any advance which the Government may make to the Panchayet under Section 16 for the execution of the masonry and stone work; and

(*f*) any loan which the Government may make to the Panchayet for carrying out the purposes of this Regulation.

(2) The fund shall be deposited in the Government Savings Bank or with any Agricultural Bank or Co-operative Society approved by the Deputy Commissioner, and shall be available to the Panchayet for the maintenance and upkeep of the major and minor tanks; for special repairs of the minor tanks rendered necessary by extraordinary causes and for the construction, restoration or improvement of any minor tank, which may be entrusted to the Panchayet under Section 16.

(3) An account of the administration of the fund during each official year shall be submitted by the Panchayet to the general body of the raiyats at a meeting to be held within one month after the close of the official year.

Consequence of Panchayet coming into existence.

11. When a Tank Panchayet comes into existence under Section 3, the enforcement of the customary obligations of the raiyats for the maintenance and upkeep of all the tanks in the village, shall thereafter vest in the Panchayet.

Provided that the Government may exclude any tank or tanks in the village from the control of the Panchayet.

Power of Panchayet to apportion repair and maintenance work among raiyats or to carry out work and recover cost from raiyats.

12. (1) The Panchayet shall have the power to apportion the work required for the maintenance and upkeep of the tank or tanks under its control among the raiyats according to their respective obligations.

(2) If a raiyat fails to do the work allotted to him or prefers to commute his quota of labour into a money payment, the Panchayet shall itself get the work done out of the funds at its disposal, recovering from him the cost thereof as fixed by it.

(3) For determining the amount to be recovered from a raiyat under the last preceding sub-section, the Panchayet shall have the power to fix the wages of labour per diem, subject to such maximum and minimum rates as may be laid down by the Government.

Power to sell right of fishing, grazing, etc.

13. (1) The Panchayet shall have power to sell—

(*a*) the right of fishing in the tank under its control,

(*b*) the right of grazing in the tank bed and the right of cutting and removing the grass on the tank bund, and

(*c*) the produce of the trees in the tank and on the bund, if any.

Power to grant tank bed for cultivation.

(2) The Panchayet shall also have power to grant the bed of the tanks under its control for temporary cultivation of quick-growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.

Power to regulate the issue of water for irrigation.

14. For the purpose of irrigation from the tank under its control, a Panchayet shall have power to regulate—

(*a*) the time for the commencement of the issue of water from the tank ;

(*b*) the period during which the supply of water is to continue ; and

(*c*) the quantity of water to be let out from the tank.

Power to restrict wet cultivation.

15. (1) A Tank Panchayet, specially empowered by Government in this behalf may, in any year, having regard to the quantity of water available in any tank under its control,

(*a*) determine the portion, out of all or any of the wet lands in the irrigable area of such tank, to be cultivated with wet crops and confine the supply of water for irrigation to such portion ;

(*b*) select a compact and suitable block as near to the sluice of the tank as possible and parcel it out among the different raiyats who may be desirous of growing sugarcane on such terms as regards the rent or share of the produce to be paid to the holder or holders of the lands comprised within the block as may appear to it to be reasonable and as may be agreed to by such holder or holders.

(2) No such power as is referred to in sub-section (1) shall be conferred on a Tank Panchayet in regard to any tank under its control except with the consent of a majority of not less than two-thirds of the raiyats and holding in the aggregate not less than two-thirds of the occupied area of wet lands under such tank.

(3) If, in accordance with a decision of the Panchayet under clause (*a*) of sub-section (1) any land assessed as wet is not supplied with water for irrigation, the holder of such land shall be entitled to remission of half the assessment of such land.

Panchayet may be entrusted with construction, restoration and improvement of minor tank.

16. (1) With the approval of a majority of not less than two-thirds of the raiyats, a Tank Panchayet may undertake the construction, restoration or improvement, as the case may be, of a minor tank, with the exception of the masonry and stone work.

(2) The masonry and stone work required shall be executed by the Government at its cost ; but, if the Panchayet undertakes to execute it, such work may also, at the discretion of the Deputy Commissioner, be entrusted to the Panchayet, the estimated cost of such work being advanced to the Panchayet by the Government.

(3) The Panchayet shall be bound to have all the work undertaken by it executed according to the specifications and constructive details furnished by the Deputy Commissioner and within such time as may be allowed by the Deputy Commissioner.

17. All moneys due to the Tank Fund under Section 10 of this Regulation shall, in default of payment by the person from whom such moneys may be due, and on the application of the Panchayet, be recoverable by the Deputy Commissioner as arrears of land revenue.

Recovery of moneys due to the Tank Fund.

18. (1) If, in the opinion of the Government, any Tank Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the official Gazette, abolish the Panchayet.

Power of Government to abolish Panchayet in case of incompetency, default or abuse of powers.

(2) When a Panchayet is so abolished—

(*a*) the members of the Panchayet shall, as from the date of the order, vacate their offices as such members; and

(*b*) the Deputy Commissioner shall take charge of the funds of the Panchayet, if any, and shall enforce the customary obligations of the raiyats in the same manner as if the Panchayet had not been constituted and may utilise such funds for the purposes referred to in Section 10 in the same manner as the Panchayet may have utilised the same.

(3) A Panchayet thus abolished may, after such time as the Government may think fit, be reconstituted under the provisions of Section 3.

19. Nothing in this Regulation shall be deemed to relieve the raiyats of any of their obligations under any law, or any rule, order or custom having the force of law, in regard to the restoration, repair and maintenance of tanks.

Obligation of the raiyats under the ordinary law unaffected.

20. No member of the Panchayet shall be liable to be sued for any act done or ordered to be done in good faith in pursuance of the provisions of this Regulation.

Protection of members of Panchayet for acts done in good faith.

21. (1) The Government may, for the whole or any part of Mysore or for any Panchayet or group of Panchayets, make rules to carry out the purposes of this Regulation.

Power of Government to make rules and the matters in regard to which rules may be framed.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) provide for the preparation of lists of persons qualified to vote under Sections 6, 15 and 16 and of persons qualified for election to the Panchayet under Sections 4 and 5;

(*b*) prescribe the procedure to be adopted at meetings of voters;

(*c*) prescribe the procedure to be adopted by Panchayets at their meetings;

(*d*) prescribe the accounts and books to be kept by Panchayets and provide for the audit of such accounts;

(*e*) prescribe the accounts, returns and reports to be furnished by Panchayets;

(*f*) prescribe the procedure to be followed by Panchayets for collecting their dues.

T. ANANDA ROW,
Dewan.

The Mysore Gazette

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 13.

BANGALORE, THURSDAY, MARCH 30, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 4990—S. R. 116-09-4, dated 27th March 1911.

Under Section 24 of the Mysore Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf the Government of His Highness the Maharaja of Mysore, are pleased to prescribe the following revised rates of tree-tax in supersession of existing rates with effect from the 1st July 1911 :—

Kind of tree.	*Rate of tree-tax.* Rs. a. p.
Date	.... 1 8 0
Bagani	.... 2 0 0
Cocoanut	.... 2 6 0
Palmyra	.... 1 12 0
Dadasal	.... 0 12 0

By Order,

C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

The Mysore Gazette

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 15.

BANGALORE, THURSDAY, APRIL 13, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 4990—S. R. 116-09-4, dated 27th March 1911.

Under Section 24 of the Mysore Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following revised rates of tree-tax in supersession of existing rates with effect from the 1st July 1911 :—

Kind of tree.	*Rate of tree-tax.* Rs. a. p.
Date	.... 1 8 0
Bagani	.... 2 0 0
Cocoanut	.... 2 6 0
Palmyra	.... 1 12 0
Dadasal	.... 0 12 0

By Order,

C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

No. 292—L. C., dated 8th April 1911.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Thursday the 27th April 1911 at 12 noon.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

The Mysore Gazette

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 17.

BANGALORE, THURSDAY, APRIL 27, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 5152—*S. R.* 116-10-13, *dated* 21*st April* 1911.

The enhanced rates of tree-tax on toddy trees published in Notification No. Fl. 4990—S. R. 116-10-3, dated 27th March 1911, shall not be applied in the case of licensees of toddy shops whose lease already covers the next official year, *viz.*, 1911-12. In their case the rates now in force shall continue to be applicable.

By Order,

C. S. BALASUNDARAM IYER,

Officiating Secretary to Government,

General and Revenue Departments.

The Mysore Gazette

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 18.

BANGALORE, THURSDAY, MAY 4, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 5152—*S. R.* 116-10-13, *dated* 21*st April* 1911.

The enhanced rates of tree-tax on toddy trees published in Notification No. Fl. 4990—S. R. 116-10-3, dated 27th March 1911, shall not be applied in the case of licensees of toddy shops whose lease already covers the next official year, *viz.*, 1911-12. In their case the rates now in force shall continue to be applicable.

By Order,

C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 19.

BANGALORE, THURSDAY, MAY 11, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 5152—*S. R.* 116-10-13, *dated* 21*st April* 1911.

The enhanced rates of tree-tax on toddy trees published in Notification No. Fl. 4990—S. R. 116-10-3, dated 27th March 1911, shall not be applied in the case of licensees of toddy shops whose lease already covers the next official year, *viz.*, 1911-12. In their case the rates now in force shall continue to be applicable.

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 20.

BANGALORE, THURSDAY, MAY 18, 1911.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. II OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

A Regulation to amend the Government Savings Banks Act, 1873.

Preamble.

WHEREAS it is expedient to amend the Government Savings Banks Act, V of 1873, as applied to Mysore by Notification of the Government of India, Foreign Department, Judicial, No. 118, dated the 23rd June 1873; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section after Section 4.

1. The following shall be inserted after Section 4, as Section 4 A, namely:—

Payment to nominees in certain cases.

"4 A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Regulation, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors."

T. ANANDA ROW,
Dewan.

THE MYSORE LIMITATION REGULATION, 1911.

CONTENTS.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

PART II

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

3. Dismissal of suits, etc., instituted, etc., after period of limitation.
4. Where Court is closed when period expires.
5. Extension of period in certain cases.
6. Legal disability.
7. Disability of one of several plaintiffs or applicants.
8. Special exceptions.
9. Continuous running of time.
10. Suits against express trustees and their representatives.
11. Suits on foreign contracts.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

12. Exclusion of time in legal proceedings.
13. Exclusion of time of defendant's absence from Mysore.
14. Exclusion of time of proceeding *bonâ fide* in Court without jurisdiction.
15. Exclusion of time during which proceedings are suspended.
16. Exclusion of time during which proceedings to set aside execution-sale are pending.
17. Effect of death before right to sue accrues.
18. Effect of fraud.
19. Effect of acknowledgment in writing.
20. Effect of payment of interest as such or of part payment of principal.
    Effect of receipt of produce of mortgaged land.
21. Agent of person under disability.
    Acknowledgment or payment by one of several joint contractors, etc.
22. Effect of substituting or adding new plaintiff or defendant.
23. Continuing breaches and wrongs.
24. Suit for compensation for act not actionable without special damage.
25. Computation of time mentioned in instruments.

PART IV.

ACQUISITION OF OWNERSHIP BY POSSESSION.

26. Acquisition of right to easements.
27. Exclusion in favour of reversioner of servient tenement.
28. Extinguishment of right to property.

PART V.

SAVINGS AND REPEALS.

29. Savings.
30. Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877, as applied to Mysore.
31. Repeals.

THE FIRST SCHEDULE—LIMITATION.
THE SECOND SCHEDULE—ENACTMENTS REPEALED.

REGULATION No. IV OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

THE MYSORE LIMITATION REGULATION.

A Regulation to consolidate and amend the law for the Limitation of Suits and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to the limitation of suits, appeals and certain applications to Courts; and whereas it is also expedient to provide rules for acquiring by possession the ownership of easements and other property; His Highness the Maharaja is pleased to enact as follows:—

PART I.

PRELIMINARY.

Short title extent and commencement.

1. (1) This Regulation may be called "the Mysore Limitation Regulation, 1911."

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1911.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "applicant" includes any person from or through whom an applicant derives his right to apply:

(2) "bill of exchange" includes a hundi and a cheque:

(3) "bond" includes any instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(4) "defendant" includes any person from or through whom a defendant derives his liability to be sued:

(5) "easement" includes a right not arising from contract, by which one person is entitled to remove and appropriate for his own profit any part of the soil belonging to another or anything growing in, or attached to, or subsisting upon, the land of another:

(6) "foreign country" means any country other than Mysore:

(7) "good faith": nothing shall be deemed to be done in good faith which is not done with due care and attention:

(8) "plaintiff" includes any person from or through whom a plaintiff derives his right to sue:

(9) "promissory note" means any instrument whereby the maker engages absolutely to pay a specified sum

of money to another at a time therein limited, or on demand, or at sight:

(10) "suit" does not include an appeal or an application: and

(11) "trustee" does not include a benamidar, a mortgagee remaining in possession after the mortgage has been satisfied, or a wrong-doer in possession without title.

PART II.

LIMITATION OF SUITS, APPEALS AND APPLICATIONS.

Dismissal of suits, etc., instituted, etc., after period of limitation.

3. Subject to the provisions contained in sections 4 to 25 (inclusive), every suit instituted, appeal preferred, and application made, after the period of limitation prescribed therefor by the first schedule shall be dismissed, although limitation has not been set up as a defence.

Explanation.—A suit is instituted, in ordinary cases, when the plaint is presented to the proper officer; in the case of a pauper, when his application for leave to sue as a pauper is made; and, in the case of a claim against a company which is being wound up by the Court, when the claimant first sends in his claim to the official liquidator.

Where Court is closed when period expires.

4. Where the period of limitation prescribed for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal or application may be instituted, preferred or made on the day that the Court reopens.

Extension of period in certain cases.

5. Any appeal or application for a review of judgment or for leave to appeal or any other application to which this section may be made applicable by any enactment or rule for the time being in force may be admitted after the period of limitation prescribed therefor, when the appellant or applicant satisfies the Court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or applicant was misled by any order, practice or judgment of the Chief Court in ascertaining or computing the prescribed period of limitation may be sufficient cause within the meaning of this section.

Legal disability.

6. (1) Where a person entitled to institute a suit or make an application for the execution of a decree is, at the time from which the period of limitation is to be reckoned, a minor, or insane, or an idiot, he may institute the suit or make the application within the same period after the disability has ceased, as would otherwise have been allowed from the time prescribed therefor in the third column of the first schedule.

(2) Where such person is, at the time from which the period of limitation is to be reckoned, affected by two such disabilities, or where, before his disability has ceased, he is affected by another disability, he may institute the suit or make the application within the same period, after both disabilities have ceased, as would otherwise have been allowed from the time so prescribed.

(3) Where the disability continues up to the death of such person, his legal representative may institute the suit or make the application within the same period after

the death as would otherwise have been allowed from the time so prescribed.

(4) Where such representative is at the date of the death affected by any such disability, the rules contained in sub-sections (1) and (2) shall apply.

Illustrations.

(*a*) The right to sue for the hire of a boat accrues to A during his minority. He attains majority four years after such accruer. He may institute his suit at any time within three years from the date of his attaining majority.

(*b*) A right to sue accrues to Z during his minority. After the accruer, but while Z is still a minor, he becomes insane. Time runs against Z from the date when his insanity and minority cease.

(*c*) A right to sue accrues to X during his minority. X dies before attaining majority, and is succeeded by Y, his minor son. Time runs against Y from the date of his attaining majority.

Disability of one of several plaintiffs or applicants.

7. Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any such disability, and a discharge can be given without the concurrence of such person, time will run against them all; but, where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

Illustrations.

(*a*) A incurs a debt to a firm of which B, C and D are partners. B is insane, and C is a minor. D can give a discharge of the debt without the concurrence of B and C. Time runs against B, C and D.

(*b*) A incurs a debt to a firm of which E, F and G are partners. E and F are insane, and G is a minor. Time will not run against any of them until either E or F becomes sane, or G attains majority.

Special exceptions.

8. Nothing in section 6 or in section 7 applies to suits to enforce rights of pre-emption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period within which any suit must be instituted or application made.

Illustrations.

(*a*) A, to whom a right to sue for a legacy has accrued during his minority, attains majority eleven years after such accruer. A has, under the ordinary law, only one year remaining within which to sue. But under section 6 and this section an extension of two years will be allowed him, making in all a period of three years from the date of his attaining majority, within which he may bring his suit.

(*b*) A right to sue for an hereditary office accrues to A who at the time is insane. Six years after the accruer A recovers his reason. A has six years, under the ordinary law, from the date when his insanity ceased within which to institute a suit. No extension of time will be given him under section 6 read with this section.

(*c*) A right to sue as landlord to recover possession from a tenant accrues to A, who is an idiot. A dies three years after the accruer, his idiocy continuing up to the date of his death. A's representative in interest has, under the ordinary law, nine years from the date of A's death within which to bring a suit. Section 6 read with this section does not extend that time, except where the representative is himself under disability when the representation devolves upon him.

Continuous running time.

9. Where once time has begun to run, no subsequent disability or inability to sue stops it:

Provided that, where letters of administration to the estate of a creditor have been granted to his debtor, the running of the time prescribed for a suit to recover the debt shall be suspended while the administration continues.

Suits against express trustees and their representatives.

10. Notwithstanding anything hereinbefore contained, no suit against a person in whom property has become vested in trust for any specific purpose, or against his legal representatives or assigns (not being assigns for valuable consideration), for the purpose of following in his or their hands such property, or the proceeds thereof, or for an account of such property or proceeds, shall be barred by any length of time.

Suits on foreign contracts.

11. (1) Suits instituted in Mysore on contracts entered into in a foreign country are subject to the rules of limitation contained in this Regulation.

(2) No foreign rule of limitation shall be a defence to a suit instituted in Mysore on a contract entered into in a foreign country, unless the rule has extinguished the contract and the parties were domiciled in such country during the period prescribed by such rule.

PART III.

COMPUTATION OF PERIOD OF LIMITATION.

Exclusion of time in legal proceedings.

12. (1) In computing the period of limitation prescribed for any suit, appeal or application, the day from which such period is to be reckoned shall be excluded.

(2) In computing the period of limitation prescribed for an appeal, an application for leave to appeal and an application for a review of judgment, the day on which the judgment complained of was pronounced, and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be reviewed, shall be excluded.

(3) Where a decree is appealed from or sought to be reviewed, the time requisite for obtaining a copy of the judgment on which it is founded shall also be excluded.

(4) In computing the period of limitation prescribed for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

Exclusion of time of defendant's absence from Mysore.

13. In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from Mysore shall be excluded.

Exclusion of time of proceeding *bona fide* in Court without jurisdiction.

14. (1) In computing the period of limitation prescribed for any suit, the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the defendant, shall be excluded, where the proceeding is founded upon the same cause of action and is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation prescribed for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a Court of first instance or in a Court of appeal, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a Court which, from defect of jurisdiction, or other cause of a like nature, is unable to entertain it.

Explanation I.—In excluding the time during which a former suit or application was pending, the day on which

that suit or application was instituted or made, and the day on which the proceedings therein ended, shall both be counted.

Explanation II.—For the purposes of this section, a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding.

Explanation III.—For the purposes of this section, misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.

Exclusion of time during which proceedings are suspended

15. (1) In computing the period of limitation prescribed for any suit or application for the execution of a decree, the institution or execution of which has been stayed by injunction or order, the time of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded.

(2) In computing the period of limitation prescribed for any suit of which notice has been given in accordance with the requirements of any enactment for the time being in force, the period of such notice shall be excluded.

Exclusion of time during which proceedings to set aside execution-sale are pending.

16. In computing the period of limitation prescribed for a suit for possession by a purchaser at a sale in execution of a decree, the time during which a proceeding to set aside the sale has been prosecuted shall be excluded.

Effect of death before right to sue accrues.

17. (1) Where a person who would, if he were living, have a right to institute a suit or make an application, dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting or making such suit or application.

(2) Where a person against whom, if he were living, a right to institute a suit or make an application would have accrued dies before the right accrues, the period of limitation shall be computed from the time when there is a legal representative of the deceased against whom the plaintiff may institute or make such suit or application.

(3) Nothing in sub-sections (1) and (2) applies to suits to enforce rights of pre-emption or to suits for the possession of immovable property or of an hereditary office.

Effect of fraud.

18. Where any person having a right to institute a suit or make an application has, by means of fraud, been kept from the knowledge of such right or of the title on which it is founded, or where any document necessary to establish such right has been fraudulently concealed from him, the time limited for instituting a suit or making an application—

(*a*) against the person guilty of the fraud or accessory thereto, or

(*b*) against any person claiming through him otherwise than in good faith and for a valuable consideration,

shall be computed from the time when the fraud first became known to the person injuriously affected thereby, or, in the case of the concealed document, when first he had the means of producing it or compelling its production.

Effect of acknowledgment in writing.

19. (1) Where, before the expiration of the period prescribed for a suit or application in respect of any property or right, an acknowledgment of liability in respect of

such property or right has been made in writing, signed by the party against whom such property or right is claimed, or by some person through whom he derives title or liability, a fresh period of limitation shall be computed from the time when the acknowledgment was so signed.

(2) Where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed; but, subject to the provisions of the Indian Evidence Act, 1872, as applied to Mysore, oral evidence of its contents shall not be received.

Explanation I.—For the purposes of this section, an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come, or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to a set-off, or is addressed to a person other than the person entitled to the property or right.

Explanation II.—For the purposes of this section, "signed" means signed either personally or by an agent duly authorized in this behalf.

Explanation III.—For the purposes of this section, an application for the execution of a decree or order is an application in respect of a right.

Effect of payment of interest as such or of part payment of principal.

20. (1) Where interest on a debt or legacy is, before the expiration of the prescribed period, paid as such by the person liable to pay the debt or legacy, or by his agent duly authorized in this behalf,

or where part of the principal of a debt is, before the expiration of the prescribed period, paid by the debtor or by his agent duly authorized in this behalf,

a fresh period of limitation shall be computed from the time when the payment was made:

Provided that, in the case of part payment of the principal of a debt, the fact of the payment appears in the handwriting of the person making the same.

Effect of receipt of produce of mortgaged land.

(2) When mortgaged land is in the possession of the mortgagee, the receipt of the rent or produce of such land shall be deemed to be a payment for the purpose of sub-section (1).

Explanation.—"Debt" includes money payable under a decree or order of Court.

Agent of person under disability.

21. (1) The expression "agent duly authorized in this behalf," in sections 19 and 20, shall, in the case of a person under disability, include his lawful guardian, committee or manager, or an agent duly authorized by such guardian, committee or manager to sign the acknowledgment or make the payment.

Acknowledgment or payment by one of several joint contractors, etc.

(2) Nothing in the said sections renders one of several joint contractors, partners, executors or mortgagees chargeable by reason only of a written acknowledgment signed or of a payment made by, or by the agent of, any other or others of them.

Effect of substituting or adding new plaintiff or defendant.

22. (1) Where, after the institution of a suit, a new plaintiff or defendant is substituted or added, the suit shall, as regards him, be deemed to have been instituted when he was so made a party.

(2) Nothing in sub-section (1) shall apply to a case where a party is added or substituted owing to an assignment

or devolution of any interest during the pendency of a suit or where a plaintiff is made a defendant or a defendant is made a plaintiff.

Continuing breaches and wrongs.

23. In the case of a continuing breach of contract and in the case of a continuing wrong independent of contract, a fresh period of limitation begins to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Suit for compensation for act not actionable without special damage.

24. In the case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results therefrom, the period of limitation shall be computed from the time when the injury results.

Illustration.

A owns the surface of a field. B owns the sub-soil. B digs coal thereout without causing any immediate apparent injury to the surface, but at last the surface subsides. The period of limitation in the case of suit by A against B runs from the time of the subsidence.

Computation of time mentioned in instruments.

25. All instruments shall, for the purposes of this Regulation, be deemed to be made with reference to the Gregorian calendar.

Illustrations.

(*a*) A Hindu makes a promissory note bearing a native date only, and payable four months after date. The period of limitation applicable to a suit on the note runs from the expiration of four months after date computed according to the Gregorian calendar.

(*b*) A Hindu makes a bond, bearing a native date only, for the repayment of money within one year. The period of limitation applicable to a suit on the bond runs from the expiration of one year after date computed according to the Gregorian calendar.

PART IV.

Acquisition of Ownership by Possession.

Acquisition of right to easements.

26. (1) Where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for twenty years,

and where any way or watercourse, or the use of any water, or any other easement (whether affirmative or negative) has been peaceably and openly enjoyed by any person claiming title thereto as an easement and as of right without interruption, and for twenty years,

the right to such access and use of light or air, way, watercourse, use of water, or other easement shall be absolute and indefeasible.

Each of the said periods of twenty years shall be taken to be a period ending within two years next before the institution of the suit wherein the claim to which such period relates is contested.

(2) Where the property over which a right is claimed under sub-section (1) belongs to Government, that sub-section shall be read as if for the words "twenty years" the words "sixty years" were substituted.

Explanation.—Nothing is an interruption within the meaning of this section, unless where there is an actual discontinuance of the possession or enjoyment by reason of an obstruction by the act of some person other than the claimant, and unless such obstruction is submitted to

or acquiesced in for one year after the claimant has notice thereof and of the person making or authorizing the same to be made.

Illustrations.

(*a*) A suit is brought in 1911 for obstructing a right of way. The defendant admits the obstruction, but denies the right of way. The plaintiff proves that the right was peaceably and openly enjoyed by him, claiming title thereto as an easement and as of right, without interruption from 1st January 1890 to 1st January 1910. The plaintiff is entitled to judgment.

(*b*) In a like suit the plaintiff shows that the right was peaceably and openly enjoyed by him for twenty years. The defendant proves that the plaintiff, on one occasion during the twenty years, had asked his leave to enjoy the right. The suit shall be dismissed.

Exclusion in favour of reversioner of servient tenement.

27. Where any land or water upon, over or from which any easement has been enjoyed or derived has been held under or by virtue of any interest for life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of such easement during the continuance of such interest or term shall be excluded in the computation of the period of twenty years in case the claim is, within three years next after the determination of such interest or term, resisted by the person entitled, on such determination, to the said land or water.

Illustration.

A sues for a declaration that he is entitled to a right of way over B's land. A proves that he has enjoyed the right for twenty-five years; but B shows that during ten of these years C, a Hindu widow, had a life interest in the land, that on C's death B became entitled to the land, and that within two years after C's death he contested A's claim to the right. The suit must be dismissed, as A, with reference to the provisions of this section, has only proved enjoyment for fifteen years.

Extinguishment of right to property.

28. At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished.

PART V.

SAVINGS AND REPEALS.

Savings.

29. Nothing in this Regulation shall—

(*a*) affect the Indian Contract Act, 1872, section 25, as applied to Mysore:

(*b*) affect or alter any period of limitation specially prescribed for any suit, appeal or application by any special or local law now or hereafter in force in Mysore.

Provision for suits for which the period prescribed is shorter than that prescribed by the Indian Limitation Act, 1877, as applied to Mysore.

30. Notwithstanding anything herein contained, any suit for which the period of limitation prescribed by this Regulation is shorter than the period of limitation prescribed by the Indian Limitation Act, 1877, as applied to Mysore, may be instituted within the period of two years next after the passing of this Regulation, or within the period prescribed for such suit by the Indian Limitation Act, 1877, whichever period expires first.

Repeals.

31. The enactments mentioned in the second schedule are repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

(*See Section 3.*)

FIRST DIVISION: SUITS.

Description of suit	Period of limitation	Time from which period begins to run
	Part II.—*Ninety days.*	
2.—For compensation for doing or for omitting to do an act alleged to be in pursuance of any enactment in force for the time being in Mysore.	Ninety days.	When the act or omission takes place.
	Part III.—*Six months.*	
3.—Under the Specific Relief Act, 1877, Section 9, to recover possession of immovable property.	Six months.	When the dispossession occurs.
5.—Under the summary procedure referred to in Section 128 (2) (*f*) of the Code of Civil Procedure.	Ditto ...	When the debt or liquidated demand becomes payable or when the property becomes recoverable.
	Part IV.—*One year.*	
6.—Upon a Statute, Act, Regulation or Bye-law, for a penalty or forfeiture.	One year ...	When the penalty or forfeiture is incurred.
7.—For the wages of a household servant, artisan or labourer.	Ditto ...	When the wages accrue due.
8.—For the price of food or drink sold by the keeper of a hotel, tavern or lodging house.	Ditto ...	When the food or drink is delivered.
9.—For the price of lodging.	Ditto ...	When the price becomes payable.
10.—To enforce a right of pre-emption, whether the right is founded on law, or general usage, or on special contract.	Ditto ...	When the purchaser takes, under the sale sought to be impeached, physical possession of the whole of the property sold, or, where the subject of the sale does not admit of physical possession, when the instrument of sale is registered.
11.—By a person, against whom an order has been made under the Code of Civil Procedure after an investigation of a claim preferred to, or an objection made to the attachment of, property attached in execution of a decree, to establish the right which he claims to the property comprised in the order.	Ditto ...	The date of the order.
11 A.—By a person against whom an order has been made under the Code of Civil Procedure, upon an application by the holder of a decree for the possession of immovable property or by the purchaser of such property sold in execution of a decree, complaining of	Ditto ...	Ditto

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—*One year*—contd.	
resistance or obstruction to the delivery of possession thereof, or upon an application by any person dispossessed of such property in the delivery of possession thereof to the decree-holder or purchaser, to establish the right which he claims to the present possession of the property comprised in the order.		
12.—To set aside any of the following sales:— (*a*) sale in execution of a decree of a Civil Court; (*b*) sale in pursuance of a decree or order of a Deputy Commissioner or other officer of revenue; (*c*) sale for arrears of Government revenue, or for any demand recoverable as such arrears.	One year ...	When the sale is confirmed, or would otherwise have become final and conclusive had no such suit been brought.
13.—To alter or set aside a decision or order of a Civil Court in any proceeding other than a suit.	Ditto ...	The date of the final decision or order in the case by a Court competent to determine it finally.
14.—To set aside any act or order of an officer of Government in his official capacity, not herein otherwise expressly provided for.	Ditto ...	The date of the act or order.
16.—Against Government under Section 222 (*a*) of the Mysore Land Revenue Code.	Ditto ...	When the claim or payment is made.
17.—Against Government for compensation for land acquired for public purposes.	Ditto ...	The date of determining the amount of the compensation.
18.—Like suit for compensation when the acquisition is not completed.	Ditto ...	The date of the refusal to complete.
19.—For compensation for false imprisonment.	Ditto ...	When the imprisonment ends.
20.—By executors, administrators or representatives under any law for the time being in force enabling executors, administrators or representatives to sue and be sued for wrongs done to a person deceased.	Ditto ...	The date of the death of the person wronged.
21.—By executors, administrators or representatives under Regulation II of 1892 to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong.	Ditto ...	The date of the death of the person killed.
22.—For compensation for any other injury to the person.	Ditto ...	When the injury is committed.

THE FIRST SCHEDULE—*contd.*

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—contd.	
43.—Under the Indian Succession Act, 1865, Section 320 or Section 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Three years.	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a transfer of property by his guardian.	Ditto ...	When the ward attains majority.
47.—By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure, 1904, or the Mysore Land Revenue Code, 1888, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
48.—For specific movable property lost, or acquired by theft or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto ...	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific movable property or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto ...	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or house-	Ditto ...	When the hire becomes payable.
ney of	Ditto ...	When the goods ought to be delivered.
		he delivery of the
		f credit ex-

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part IV.—*One year*—concld.	
23.—For compensation for a malicious prosecution.	One year ...	When the plaintiff is acquitted, or the prosecution is otherwise terminated.
24.—For compensation for libel ...	Ditto ...	When the libel is published.
25.—For compensation for slander.	Ditto ...	When the words are spoken, or, if the words are not actionable in themselves, when the special damage complained of results.
26.—For compensation for loss of service occasioned by the seduction of the plaintiff's servant or daughter.	Ditto ...	When the loss occurs.
27.—For compensation for inducing a person to break a contract with the plaintiff.	Ditto ...	The date of the breach.
28.—For compensation for an illegal, irregular or excessive distress.	Ditto ...	The date of the distress.
29.—For compensation for wrongful seizure of movable property under legal process.	Ditto ...	The date of the seizure.
30.—Against a carrier for compensation for losing or injuring goods.	Ditto ...	When the loss or injury occurs.
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	Ditto ...	When the goods ought to be delivered.
	Part V.—*Two years.*	
32.—Against one who, having a right to use property for specific purposes, perverts it to other purposes.	Two years.	When the perversion first becomes known to the person injured thereby.
33.—Against an executor, administrator or other representative of a deceased person, for wrongs don[illegible] by such person where the [illegible] strator or o[illegible] tive is by l[illegible]	Ditto ...	When the wrong complained of
36.—For compen[illegible] malfeasa[illegible] non-[illegible]		

THE FIRST SCHEDULE—*contd.*

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—contd.	
43.—Under the Indian Succession Act, 1865, Section 320 or Section 321, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.	Three years.	The date of the payment or distribution.
44.—By a ward who has attained majority, to set aside a transfer of property by his guardian.	Ditto ...	When the ward attains majority.
47.—By any person bound by an order respecting the possession of immovable property made under the Code of Criminal Procedure, 1904, or the Mysore Land Revenue Code, 1888, or by any one claiming under such person, to recover the property comprised in such order.	Ditto ...	The date of the final order in the case.
48.—For specific movable property lost, or acquired by theft or dishonest misappropriation or conversion, or for compensation for wrongfully taking or detaining the same.	Ditto ...	When the person having the right to the possession of the property first learns in whose possession it is.
49.—For other specific movable property or for compensation for wrongfully taking or injuring or wrongfully detaining the same.	Ditto ...	When the property is wrongfully taken or injured, or when the detainer's possession becomes unlawful.
50.—For the hire of animals, vehicles, boats or houseire.	Ditto ...	When the hire becomes payable.
of money	Ditto ...	When the goods ought to be delivered.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—contd.	
58.—Like suit when the lender has given a cheque for the money.	Three years	When the cheque is paid.
59.—For money lent under an agreement that it shall be payable on demand.	Ditto ...	When the loan is made.
60.—For money deposited under an agreement that it shall be payable on demand; including money of a customer in the hands of his banker so payable.	Ditto ...	When the demand is made.
61.—For money payable to the plaintiff for money paid for the defendant.	Ditto ...	When the money is paid.
62.—For money payable by the defendant to the plaintiff for money received by the defendant for the plaintiff's use.	Ditto ...	When the money is received.
63.—For money payable for interest upon money due from the defendant to the plaintiff.	Ditto ...	When the interest becomes due.
64.—For money payable to the plaintiff for money found to be due from the defendant to the plaintiff on accounts stated between them.	Ditto ...	When the accounts are stated in writing signed by the defendant or his agent duly authorized in this behalf, unless where the debt is, by a simultaneous agreement in writing signed as aforesaid, made payable at a future time, and then when that time arrives.
65.—For compensation for breach of a promise to do anything at a specified time, or upon the happening of a specified contingency.	Ditto ...	When the time specified arrives or the contingency happens.
66.—On a single bond, where a day is specified for payment.	Ditto ...	The day so specified.
67.—On a single bond, where no such day is specified.	Ditto ...	The date of executing the bond.
68.—On a bond subject to a condition.	Ditto ...	When the condition is broken.
69.—On a bill of exchange or promissory note payable at a fixed time after date.	Ditto ...	When the bill or note falls due.
70.—On a bill of exchange payable at sight, or after sight, but not at a fixed time.	Ditto ...	When the bill is presented.
71.—On a bill of exchange accepted payable at a particular place.	Ditto ...	When the bill is presented at that place.
72.—On a bill of exchange or promissory note payable at a fixed time after sight or after demand.	Ditto ...	When the fixed time expires.
3.—On a bill of exchange or promissory note payable on	Ditto ...	The date of the bill or note.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI—*Three years*—contd.	
demand and not accompanied by any writing restraining or postponing the right to sue.		
74.—On a promissory note or bond payable by instalments.	Three years.	The expiration of the first term of payment as to the part then payable; and for the other parts, the expiration of the respective terms of payment.
75.—On a promissory note or bond payable by instalments, which provides that, if default be made in payment of one or more instalments, the whole shall be due.	Ditto ...	When the default is made, unless where the payee or obligee waives the benefit of the provision, and then when fresh default is made in respect of which there is no such waiver.
76.—On a promissory note given by the maker to a third person to be delivered to the payee after a certain event should happen.	Ditto ...	The date of the delivery to the payee.
77.—On a dishonoured foreign bill, where protest has been made and notice given.	Ditto ...	When the notice is given.
78.—By the payee against the drawer of a bill of exchange, which has been dishonoured by non-acceptance.	Ditto ...	The date of the refusal to accept.
79.—By the acceptor of an accommodation bill against the drawer.	Ditto ...	When the acceptor pays the amount of the bill.
80.—Suit on a bill of exchange, promissory note or bond not herein expressly provided for.	Ditto ...	When the bill, note or bond becomes payable.
81.—By a surety against the principal debtor.	Ditto ...	When the surety pays the creditor.
82.—By a surety against a co-surety.	Ditto ...	When the surety pays anything in excess of his own share.
83.—Upon any other contract to indemnify.	Ditto ...	When the plaintiff is actually damnified.
84.—By an Advocate or Pleader for his costs of a suit or a particular business, there being no express agreement as to the time when such costs are to be paid.	Ditto ...	The date of the termination of the suit or business, or (where the Advocate or Pleader properly discontinues the suit or business) the date of such discontinuance.
85.—For the balance due on a mutual, open and current account, where there have been reciprocal demands between the parties.	Ditto ...	The close of the year in which the last item admitted or proved is entered in the account; such year to be computed as in the account.
86.—On a policy of insurance, when the sum assured is payable immediately after proof of the death or loss has been given to or received by the insurers.	Ditto ...	When proof of the death or loss is given or received to or by the insurer, whether by or from the plaintiff, or any other person.
87.—By the assured to recover premia paid under a policy voidable at the election of the insurers.	Ditto ...	When the insurers elect to avoid the policy.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI—*Three years*—contd.	
88.—Against a factor for an account.	Three years.	When the account is, during the continuance of the agency, demanded and refused or, where no such demand is made, when the agency terminates.
89.—By a principal against his agent for movable property received by the latter and not accounted for.	Ditto ...	Ditto ditto ditto
90.—Other suits by principals against agents for neglect or misconduct.	Ditto ...	When the neglect or misconduct becomes known to the plaintiff.
91.—To cancel or set aside an instrument not otherwise provided for.	Ditto ...	When the facts entitling the plaintiff to have the instrument cancelled or set aside become known to him.
92.—To declare the forgery of an instrument issued or registered.	Ditto ...	When the issue or registration becomes known to the plaintiff.
93.—To declare the forgery of an instrument attempted to be enforced against the plaintiff.	Ditto ...	The date of the attempt.
94.—For property which the plaintiff has conveyed while insane.	Ditto ...	When the plaintiff is restored to sanity, and has knowledge of the conveyance.
95.—To set aside a decree obtained by fraud, or for other relief on the ground of fraud.	Ditto ...	When the fraud becomes known to the party wronged.
96.—For relief on the ground of mistake.	Ditto ...	When the mistake becomes known to the plaintiff.
97.—For money paid upon an existing consideration which afterwards fails.	Ditto ...	The date of the failure.
98.—To make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust.	Ditto ...	The date of the trustee's death, or, if the loss has not then resulted, the date of the loss.
99.—For contribution by a party who has paid the whole or more than his share of the amount due under a joint decree, or by a sharer in a joint estate who has paid the whole or more than his share of the amount of revenue due from himself and his co-sharers.	Ditto ...	The date of the payment in excess of the plaintiff's own share.
100.—By a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.	Ditto ...	When the right to contribution accrues.
101.—For a seaman's wages.	Ditto ...	The end of the voyage during which the wages are earned.
102.—For wages not otherwise expressly provided for by this schedule.	Ditto ...	When the wages accrue due.
103.—By a Mahomedan for exigible dower (*mu'ajjal*).	Ditto ...	When the dower is demanded and refused or (where, during the continuance of the marriage, no such demand has been

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VI.—*Three years*—concld.	
		made) when the marriage is dissolved by death or divorce.
104.—By a Mahomedan for deferred dower (*mu'wajjal*).	Three years.	When the marriage is dissolved by death or divorce.
105.—By a mortgagor after the mortgage has been satisfied, to recover surplus collections received by the mortgagee.	Ditto ...	When the mortgagor re-enters on the mortgaged property.
106.—For an account and a share of the profits of a dissolved partnership.	Ditto ...	The date of the dissolution.
107.—By the manager of a joint estate of an undivided family for contribution, in respect of a payment made by him on account of the estate.	Ditto ...	The date of the payment.
108.—By a lessor for the value of trees cut down by his lessee contrary to the terms of the lease.	Ditto ...	When the trees are cut down.
109.—For the profits of immovable property belonging to the plaintiff which have been wrongfully received by the defendant.	Ditto ...	When the profits are received.
110.—For arrears of rent ...	Ditto ...	When the arrears become due.
111.—By a vendor of immovable property to enforce personal liability for unpaid purchase money.	Ditto ...	The time fixed for completing the sale, or (where the title is accepted after the time fixed for completion), the date of the acceptance.
112.—For a call by a company registered under any law in force.	Ditto ...	When the call is payable.
113.—For specific performance of a contract.	Ditto ...	The date fixed for the performance, or, if no such date is fixed, when the plaintiff has notice that performance is refused.
114.—For the rescission of a contract.	Ditto ...	When the facts entitling the plaintiff to have the contract rescinded first become known to him.
115.—For compensation for the breach of any contract, express or implied, not in writing registered, and not herein specially provided for.	Ditto ...	When the contract is broken, or (where there are successive breaches) when the breach in respect of which the suit is instituted occurs, or (where the breach is continuing) when it ceases.
	Part VII.—*Six years.*	
116.—For compensation for the breach of a contract in writing registered.	Six years ...	When the period of limitation would begin to run against a suit brought on a similar contract not registered.
117.—Upon a foreign judgment as defined in the Code of Civil Procedure.	Ditto ...	The date of the judgment.

THE FIRST SCHEDULE—*contd.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VII.—*Six years.*—concld.	
118.—To obtain a declaration that an alleged adoption is invalid, or never, in fact, took place.	Six years.	When the alleged adoption becomes known to the plaintiff.
119.—To obtain a declaration that an adoption is valid.	Ditto ...	When the rights of the adopted son, as such, are interfered with.
120.—Suit for which no period of limitation is provided elsewhere in this schedule.	Ditto ...	When the right to sue accrues.
	Part VIII.—*Twelve years.*	
121.—To avoid incumbrances or undertenures in an entire estate sold for arrears of Government revenue or in other saleable tenure sold for arrears of rent.	Twelve years.	When the sale becomes final and conclusive.
122.—Upon a recognisance.	Ditto ...	The date of the recognisance.
123.—For a legacy or for a share of a residue bequeathed by a testator, or for a distributive share of the property of an intestate.	Ditto ...	When the legacy or share becomes payable or deliverable.
124.—For possession of an hereditary office.	Ditto ...	When the defendant takes possession of the office adversely to the plaintiff. *Explanation.*—An hereditary office is possessed when the profits thereof are usually received, or (if there are no profits) when the duties thereof are usually performed.
125.—Suit during the life of a Hindu or Mahomedan female by a Hindu or Mahomedan who, if the female died at the date of instituting the suit, would be entitled to the possession of land, to have an alienation of such land made by the female declared to be void except for her life or until her re-marriage.	Ditto ...	The date of the alienation.
126.—By a Hindu governed by the law of the Mitakshara to set aside his father's alienation of ancestral property.	Ditto ...	When the alienee takes possession of the property.
127.—By a person excluded from joint family property, to enforce a right to share therein.	Ditto ...	When the exclusion becomes known to the plaintiff.
128.—By a Hindu for arrears of maintenance.	Ditto ...	When the arrears are payable.
129.—By a Hindu for a declaration of his right to maintenance.	Ditto ...	When the right is denied.
130.—For the resumption of assessment of rent-free land.	Ditto ...	When the right to resume or assess the land first accrues.

THE FIRST SCHEDULE—*contd.*

First Division : Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—*Twelve years*—contd.	
131.—To establish a periodically recurring right.	Twelve years	When the plaintiff is first refused the enjoyment of the right.
132.—To enforce payment of money charged upon immovable property.	Ditto ...	When the money sued for becomes due.
133.—To recover movable property conveyed or bequeathed in trust, deposited or pawned, and afterwards bought from the trustee, depositary or pawnee for a valuable consideration.	Ditto ...	The date of the purchase.
134.—To recover possession of immovable property conveyed or bequeathed in trust or mortgaged and afterwards transferred by the trustee or mortgagee for a valuable consideration.	Ditto ...	The date of the transfer.
135.—Suit instituted by a mortgagee for possession of immovable property mortgaged.	Ditto ...	When the mortgagor's right to possession determines.
136.—By a purchaser at a private sale for possession of immovable property sold when the vendor was out of possession at the date of the sale.	Ditto ...	When the vendor is first entitled to possession.
137.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was out of possession at the date of the sale.	Ditto ...	When the judgment-debtor is first entitled to possession.
138.—Like suit by a purchaser at a sale in execution of a decree, when the judgment-debtor was in possession at the date of the sale.	Ditto ...	The date when the sale becomes absolute.
139.—By a landlord to recover possession from a tenant.	Ditto ...	When the tenancy is determined.
140.—By a remainderman, a reversioner (other than a landlord), or a devisee, for possession of immovable property.	Ditto ...	When his estate falls into possession.
141.—Like suit by a Hindu or Mahomedan entitled to the possession of immovable property on the death of a Hindu or Mahomedan female.	Ditto ...	When the female dies.
142.—For possession of immovable property when the plaintiff, while in possession of the property, has been dispossessed or has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
143.—Like suit, when the plaintiff has become entitled by reason of any forfeiture or breach of condition.	Ditto ...	When the forfeiture is incurred or the condition is broken.

THE FIRST SCHEDULE—*concld.*

First Division: Suits.

Description of suit	Period of limitation	Time from which period begins to run
	Part VIII.—*Twelve years*—concld.	
144.—For possession of immovable property or any interest therein not hereby otherwise specially provided for.	Twelve years.	When the possession of the defendant becomes adverse to the plaintiff.
	Part IX.—*Thirty years.*	
145.—Against a depositary or pawnee to recover movable property deposited or pawned.	Thirty years.	The date of the deposit or pawn.
146A.—By or on behalf of any local authority for possession of any public street or road or any part thereof from which it has been dispossessed or of which it has discontinued the possession.	Ditto ...	The date of the dispossession or discontinuance.
	Part X.—*Sixty years.*	
147.—By a mortgagee for foreclosure or sale.	Sixty years...	When the money secured by the mortgage becomes due.
148.—Against a mortgagee to redeem or to recover possession of immovable property mortgaged.	Ditto ...	When the right to redeem or to recover possession accrues.
149.—Any suit by or on behalf of the Government of Mysore.	Ditto ...	When the period of limitation would begin to run under this Regulation against a like suit by a private person.

Second Division: Appeals.

Description of appeal	Period of limitation	Time from which period begins to run
150.—Under the Code of Criminal Procedure, 1904, from a sentence of death passed by a Court of Session.	Seven days.	The date of the sentence.
151.—From a decree or order of the Chief Court in the exercise of its original jurisdiction.	Twenty days.	The date of the decree or order.
152.—Under the Code of Civil Procedure to the Court of a District Judge, or a Subordinate Judge.	Thirty days.	The date of the decree or order appealed from.
154.—Under the Code of Criminal Procedure, 1904, to any Court other than the Chief Court.	Ditto ...	The date of the sentence or order appealed from.
155.—Under the same Code, to the Chief Court, except in the cases provided for by article 150 and article 157.	Sixty days.	Ditto ...
156.—Under the Code of Civil Procedure to the Chief Court except in cases provided for by article 151.	Ninety days.	The date of the decree or order appealed from.
157.—Under the Code of Criminal Procedure, 1904, from an order of acquittal.	Six months.	The date of the order appealed from.

THE FIRST SCHEDULE—*contd.*

Third Division: Applications.

Description of application	Period of limitation	Time from which period begins to run
158.—Under the Code of Civil Procedure to set aside an award.	Ten days ...	When the award is submitted to the Court.
159.—For leave to appear and defend a suit under the summary procedure referred to in Section 128 (2) (f) of the same Code.	Ditto ...	When the summons is served.
160.—For an order under the same Code, to restore to the file an application for review rejected in consequence of the failure of the applicant to appear when the application was called on for hearing.	Fifteen days.	When the application for review is rejected.
161.—For a review of judgment by a Court of Small Causes or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Ditto ...	The date of the decree or order.
162.—For a review of judgment by the Chief Court in the exercise of its original jurisdiction.	Twenty days.	Ditto ...
163.—By a plaintiff, for an order to set aside a dismissal for default of appearance or for failure to pay costs of service of process or to furnish security for costs.	Thirty days.	The date of the dismissal.
164.—By a defendant, for an order to set aside a decree passed *ex parte*.	Ditto ...	The date of the decree or where the summons was not duly served, when the applicant has knowledge of the decree.
165.—Under the Code of Civil Procedure by a person dispossessed of immovable property, and disputing the right of the decree holder or purchaser at a sale in execution of a decree to be put into possession.	Ditto ...	The date of the dispossession.
166.—Under the same Code to set aside a sale in execution of a decree on the ground of irregularity in publishing or conducting the sale or on the ground that the decree-holder has purchased without the permission of the court or on the ground that the person whose interest in the property purported to be sold had no saleable interest therein.	Ditto ...	The date of the sale.
167.—Complaining of resistance or obstruction to delivery of possession of immovable property decreed or sold in execution of a decree.	Ditto ...	The date of the resistance or obstruction.
168.—For the re-admission of an appeal dismissed for want of prosecution.	Ditto ...	The date of the dismissal.

THE FIRST SCHEDULE—*contd.*

Third Division: Applications.

Description of application	Period of limitation	Time from which period begins to run.
169.—For the re-hearing of an appeal heard *ex parte*.	Thirty days.	The date of the decree in appeal or, where notice of the appeal was not duly served, when the applicant has knowledge of the decree.
170.—For leave to appeal as a pauper.	Ditto ...	The date of the decree appealed from.
171.—Under the Code of Civil Procedure, for an order to set aside an abatement.	Sixty days...	The date of the abatement.
172.—Under the same Code by the assignee or the receiver of an insolvent, plaintiff or appellant for an order to set aside the dismissal of a suit or an appeal.	Ditto ...	The date of the order of dismissal.
173.—For a review of judgment except in the cases provided for by article 161 and article 162.	Ninety days.	The date of the decree or order.
174.—For the issue of a notice under the same Code, to show cause why any payment made out of Court of any money payable under a decree or any adjustment of the decree should not be recorded as certified when a process in execution of the judgment has been executed upon the applicant within one year of such payment or adjustment.	Ditto ...	From the date of executing such process.
175.—For payment of the amount of a decree by instalments.	Six months.	The date of the decree.
176.—Under the same Code to have the legal representative of a deceased plaintiff or of a deceased appellant made a party.	Ditto ...	The date of the death of the deceased plaintiff or appellant.
177.—Under the same Code to have the legal representative of a deceased defendant or of a deceased respondent made a party.	Ditto ...	The date of the death of the deceased defendant or respondent.
178.—Under the same Code for the filing in Court of an award in a suit made in any matter referred to arbitration by order of the Court, or of an award made in any matter referred to arbitration without the intervention of a Court.	Ditto ...	The date of the award.
178A.—For the issue of a notice under the Code of Civil Procedure to show cause why any payment made out of Court of any money payable under a decree or an adjustment of a decree should not be recorded as certified in cases other than those provided for in article 174.	One year ...	When the payment or adjustment is made.

THE FIRST SCHEDULE.—*contd.*

Third Division : Applications.

Description of application	Period of limitation	Time from which period begins to run
180.—By a purchaser of immovable property at a sale in execution of a decree for delivery of possession.	Three years.	When the sale becomes absolute.
181.—Applications for which no period of limitation is provided elsewhere in this schedule or by Section 48 of the Code of Civil Procedure.	Ditto ...	When the right to apply accrues.
182.—For the execution of a decree or order of any Civil Court not provided for by Section 48 of the Code of Civil Procedure.	Three years; or, where a certified copy of the decree or order has been registered, six years.	1. The date of the decree or order, or 2. (where there has been an appeal) the date of the final decree or order of the Appellate Court, or the withdrawal of the appeal, or 3. (where there has been a review of judgment) the date of the decision passed on the review, or 4. (where the decree has been amended) the date of amendment, or 5. (where the application next hereinafter mentioned has been made) the date of applying in accordance with law to the proper Court for execution or to take some step in aid of execution of the decree or order, or 6. (where the notice next hereinafter mentioned has been issued) the date of issue of notice to the person against whom execution is applied for to show cause why the decree should not be executed against him, when the issue of such a notice is required by the Code of Civil Procedure, or 7. (where the application is to enforce any payment which the decree or order directs to be made at a certain date) such date. *Explanation I.*—Where the decree or order has been passed severally in favour of more persons than one, distinguishing portions of the subject matter as payable or deliverable to each, the application mentioned in clause 5 of this article shall take effect in favour only of such of the said persons or their representatives as it may be made by. But, where the decree or order has been passed jointly in favour of more persons than one, such application, if

THE FIRST SCHEDULE—*concld.*

Third Division: Applications.

Description of application	Period of limitation	Time from which period begins to run
		made by any one or more of them, or by his or their representatives, shall take effect in favour of them all.
		Where the decree or order has been passed severally against more persons than one, distinguishing portions of the subject-matter as payable or deliverable by each, the application shall take effect against only such of the said persons or their representatives as it may be made against. But, where the decree or order has been passed jointly against more persons than one, the application, if made against any one or more of them, or against his or their representatives, shall take effect against them all.
		Explanation II.—"Proper Court" means the Court whose duty it is to execute the decree or order.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 31.*)

Year	Number	Short title	Extent of repeal
1877	XV	The Indian Limitation Act, 1877, as applied to Mysore by the Government of India Notification, Foreign Department, Judicial No. 174 J., dated the 26th October 1877.	The whole
1879	XII	The Registration and Limitation Acts Amendment Act, 1879, as applied to Mysore by the Government of India Notification No. 320, dated 19th November 1879.	The whole of Section 108.
1896	III	The Indian Limitation Act Amendment Regulation.	The whole.

T. ANANDA ROW,
Dewan.

THE INDIAN SUCCESSION ACT.

Third Division: Applications.

Description of application.	Period of limitation.	Time from which period begins to run.

THE SECOND SCHEDULE.

EXEMPTIONS FROM ACCOUNT.

(See Section 13.)

Year.	Number.	Short title.	Extent of exemption.
1871	XI	The Indian Limitation Act, 1871	The whole.
1872	XII	The Registration and Indian Contract Act (Amendment) Act, 1872.	The whole.
1876	III	The Indian Limitation Act (Amendment) Act, 1876.	The whole.

THE GUARDIANS AND WARDS REGULATION.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Title, extent and commencement.
2. Repeal.
3. Definitions.
4. Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.

CHAPTER II.

APPOINTMENT AND DECLARATION OF GUARDIANS.

5. Saving of certain powers.
6. Power of the Court to make order as to guardianship.
7. Persons entitled to apply for order.
8. Court having jurisdiction to entertain application.
9. Form of application.
10. Procedure on admission of application.
11. Power to make interlocutory order for production of minor and interim protection of person and property.
12. Hearing of evidence before making of order.
13. Simultaneous proceedings in different Courts.
14. Appointment or declaration of several guardians.
15. Appointment or declaration of guardian for property beyond jurisdiction of the Court.
16. Matters to be considered by the Court in appointing guardian.
17. Appointment or declaration of Deputy Commissioner in virtue of office.
18. Guardian not to be appointed by the Court in certain cases.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

19. Fiduciary relation of guardian to ward.
20. Capacity of minors to act as guardians.
21. Remuneration of guardian.
22. Control of Deputy Commissioner as guardian.

Guardian of the Person.

23. Duties of guardian of the person.
24. Title of guardian to custody of ward.
25. Removal of ward from jurisdiction.

Guardian of Property.

26. Duties of guardian of property.
27. Powers of testamentary guardian.
28. Limitation of powers of guardian of property appointed or declared by the Court.
29. Voidability of transfers made in contravention of section 27 or section 28.
30. Practice with respect to permitting transfers under section 28.
31. Variation of powers of guardian of property appointed or declared by the Court.
32. Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward.

33. Obligations on guardian of property appointed or declared by the Court.
34. Suit against guardian where administration-bond was taken.
35. Suit against guardian where administration-bond was not taken.
36. General liability of guardian as trustee.

Termination of Guardianship.

37. Right of survivorship among joint guardians.
38. Removal of guardian.
39. Discharge of guardian.
40. Cessation of authority of guardian.
41. Appointment of successor to guardian dead, discharged or removed.

CHAPTER IV.

SUPPLEMENTAL PROVISIONS.

42. Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.
43. Penalty for removal of ward from jurisdiction.
44. Penalty for contumacy.
45. Reports by Deputy Commissioners and Subordinate Courts.
46. Orders appealable.
47. Finality of other orders.
48. Costs.
49. Power of Chief Court to make rules.
50. Applicability of Regulation to guardians already appointed by Court.

THE SCHEDULE.—ENACTMENTS REPEALED.

REGULATION No. V OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

A Regulation to consolidate and amend the law relating to Guardian and Ward.

WHEREAS it is expedient to consolidate and amend the law relating to guardian and ward; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called "the Guardians and Wards Regulation, 1911." **Title, extent and commencement.**

(2) It extends to the whole of Mysore; and

(3) It shall come into force on the first day of July 1911.

2. (1) On and from that day the enactments mentioned in the schedule shall be repealed to the extent specified in the third column thereof. **Repeal.**

(2) But all proceedings had, certificates granted, allowances assigned, obligations imposed; and applications, appointments, orders and rules made under any of those enactments shall, so far as may be, be deemed to have been respectively had, granted, assigned, imposed and made under this Regulation; and

(3) Any enactment or document referring to any of those enactments shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

3. In this Regulation, unless there is something repugnant in the subject or context,— **Definitions.**

(1) "minor" means a person who has not completed the age of eighteen years or, if he is not domiciled in Mysore, has not attained majority according to the law to which he is subject:

(2) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property:

(3) "ward" means a minor for whose person or property, or both, there is a guardian:

(4) "District Court" includes a court invested with the functions of a District Court under the provisions of section 4 of this Regulation and also the Chief Court when exercising original civil jurisdiction under section 12 of the Mysore Chief Court Regulation:

(5) "the Court" means the District Court having jurisdiction to entertain an application under this Regulation for an order appointing or declaring a person to be a guardian; and, where a guardian has been appointed or declared in pursuance of any such application, it means the Court which appointed or declared the guardian, or, in any matter relating to the person of the ward, the District Court having jurisdiction in the place where the ward for the time being ordinarily resides:

(6) "Deputy Commissioner" includes any officer whom the Government, by notification in the official Gazette, may, by name or in virtue of his office, appoint to be a Deputy Commissioner in any local area, or with respect to any class of persons, for all or any of the purposes of this Regulation:

(7) "prescribed" means prescribed by rules made by the Chief Court under this Regulation.

Investiture of inferior Courts with jurisdiction of District Court for purposes of this Regulation.

4. (1) The Government may, by notification in the official Gazette, invest any Court inferior in grade to a District Court with the functions of a District Court under this Regulation.

(2) Any inferior Court so invested shall, within the local limits of its jurisdiction, have concurrent jurisdiction with the District Court in the exercise of all the powers conferred by this Regulation upon the District Court, and the provisions of this Regulation relating to the District Court shall apply to such an inferior Court as if it were a District Court.

(3) The District Court may withdraw any proceedings under this Regulation from an inferior Court and may either itself dispose of them or transfer them to another such Court established within the local limits of the jurisdiction of the District Court and having authority to dispose of the proceedings, or retransfer them for trial or disposal to the Court from which they were withdrawn.

(4) A notification under sub-section (1) may specify any inferior Court specially or any class of such Courts in any local area.

(5) Any Civil Court which for any of the purposes of any enactment is subordinate to, or subject to the control of, a District Court shall, for the purposes of this section, be deemed to be a Court inferior in grade to a District Court.

CHAPTER II.

APPOINTMENT AND DECLARATION OF GUARDIANS.

Saving of certain powers.

5. In the case of a minor, nothing in this Regulation shall be construed to take away or derogate from any power to appoint a guardian of his person or property, or both, which is valid by the law to which the minor is subject.

Power of the Court to make order as to guardianship.

6. (1) Where the Court is satisfied that it is for the welfare of a minor that an order should be made—

(*a*) appointing a guardian of his person or property, or both, or

(*b*) declaring a person to be such a guardian,

the Court may make an order accordingly.

(2) An order under this section shall imply the removal of any guardian who has not been appointed by will or other instrument or appointed or declared by the Court.

(3) Where a guardian has been appointed by will or other instrument or appointed or declared by the Court, an order under this section appointing or declaring another person to be guardian in his stead shall not be made until the powers of the guardian appointed or declared as aforesaid have ceased under the provisions of this Regulation.

Persons entitled to apply for order.

7. An order shall not be made under the last foregoing section except on the application of—

(*a*) the person desirous of being, or claiming to be, the guardian of the minor, or

(*b*) any relative or friend of the minor, or

(*c*) the Deputy Commissioner of the district or other local area within which the minor ordinarily resides or in which he has property, or

(*d*) the Deputy Commissioner having authority with respect to the class to which the minor belongs.

Court having jurisdiction to entertain application.

8. (1) If the application is with respect to the guardianship of the person of the minor, it shall be made to the District Court having jurisdiction in the place where the minor ordinarily resides.

(2) If the application is with respect to the guardianship of the property of the minor, it may be made either to the District Court having jurisdiction in the place where the minor ordinarily resides or to a District Court having jurisdiction in a place where he has property.

(3) If an application with respect to the guardianship of the property of a minor is made to a District Court other than that having jurisdiction in the place where the minor ordinarily resides, the Court may return the application if, in its opinion, the application would be disposed of more justly or conveniently by any other District Court having jurisdiction.

Form of application.

9. (1) If the application is not made by the Deputy Commissioner, it shall be by petition signed and verified in the manner prescribed by the Code of Civil Procedure for the signing and verification of a plaint, and stating, so far as can be ascertained,—

(*a*) the name, sex, religion, date of birth and ordinary residence of the minor;

(*b*) where the minor is a female, whether she is married, and, if so, the name and age of her husband;

(*c*) the nature, situation and approximate value of the property, if any, of the minor;

(*d*) the name and residence of the person having the custody or possession of the person or property of the minor;

(*e*) what near relations the minor has, and where they reside;

(*f*) whether a guardian of the person or property, or both, of the minor has been appointed by any person entitled or claiming to be entitled by the law to which the minor is subject to make such an appointment;

(*g*) whether an application has at any time been made to the Court or to any other Court with respect to

the guardianship of the person or property, or both, of the minor, and, if so, when, to what Court and with what result;

(*h*) whether the application is for the appointment or declaration of a guardian of the person of the minor, or of his property, or of both;

(*i*) where the application is to appoint a guardian, the qualifications of the proposed guardian;

(*j*) where the application is to declare a person to be a guardian, the grounds on which that person claims;

(*k*) the causes which have led to the making of the application; and

(*l*) such other particulars, if any, as may be prescribed or as the nature of the application renders it necessary to state.

(2) If the application is made by the Deputy Commissioner, it shall be by letter addressed to the Court and forwarded by post or in such other manner as may be found convenient, and shall state as far as possible the particulars mentioned in sub-section (1).

(3) The application must be accompanied by a declaration of the willingness of the proposed guardian to act, and the declaration must be signed by him and attested by at least two witnesses.

Procedure on admission of application.

10. If the Court is satisfied that there is ground for proceeding on the application, it shall fix a day for the hearing thereof, and cause notice of the application and of the date fixed for the hearing—

(*a*) to be served in the manner directed in the Code of Civil Procedure on—

(i) the parents of the minor if they are residing in Mysore,

(ii) the person, if any, named in the petition or letter as having the custody or possession of the person or property of the minor,

(iii) the person proposed in the application or letter to be appointed or declared guardian, unless that person is himself the applicant, and

(iv) any other person to whom, in the opinion of the Court, special notice of the application should be given; and

(*b*) to be posted on some conspicuous part of the Court-house, and of the residence of the minor, and otherwise published in such manner as the Court, subject to any rules made by the Chief Court under this Regulation, thinks fit.

Power to make interlocutory order for production of minor and interim protection of person and property.

11. (1) The Court may direct that the person, if any, having the custody of the minor shall produce him or cause him to be produced at such place and time and before such person as it appoints, and may make such order for the temporary custody and protection of the person or property of the minor as it thinks proper.

(2) If the minor is a female who ought not to be compelled to appear in public, the direction under sub-section (1) for her production shall require her to be produced in accordance with the customs and manners of the country.

(3) Nothing in this section shall authorise—

(*a*) the Court to place a female minor in the temporary custody of a person claiming to be her guardian on the ground of his being her husband, unless she is already in his custody with the consent of her parents, if any, or

(*b*) any person to whom the temporary custody and protection of the property of a minor is entrusted to dispossess otherwise than by due course of law any person in possession of any of the property.

Hearing of evidence before making of order.

12. On the day fixed for the hearing of the application, or as soon afterwards as may be, the Court shall hear such evidence as may be adduced in support of or in opposition to the application.

Simultaneous proceedings in different Courts.

13. If proceedings for the appointment or declaration of a guardian of a minor are taken in more Courts than one, each of those Courts shall, on being apprised of the proceedings in the other Court or Courts, stay the proceedings before itself, and shall report the case to the Chief Court, and the Chief Court shall determine in which of the Courts the proceedings with respect to the appointment or declaration of a guardian of the minor shall be had.

Appointment or declaration of several guardians.

14. (1) If the law to which the minor is subject admits of his having two or more joint guardians of his person or property, or both, the Court may, if it thinks fit, appoint or declare them.

(2) Separate guardians may be appointed or declared of the person and of the property of a minor.

(3) If a minor has several properties, the Court may, if it thinks fit, appoint or declare a separate guardian for any one or more of the properties.

Appointment or declaration of guardian for property beyond jurisdiction of the Court.

15. If the Court appoints or declares a guardian for any property situate beyond the local limits of its jurisdiction, the Court having jurisdiction in the place where the property is situate shall, on production of a certified copy of the order appointing or declaring the guardian, accept him as duly appointed or declared and give effect to the order.

Matters to be considered by the Court in appointing guardian.

16. (1) In appointing or declaring the guardian of a minor, the Court shall, subject to the provisions of this section, be guided by what, consistently with the law to which the minor is subject, appears in the circumstances to be for the welfare of the minor.

(2) In considering what will be for the welfare of the minor, the Court shall have regard to the age, sex and religion of the minor, the character and capacity of the proposed guardian and his nearness of kin to the minor, the wishes, if any, of a deceased parent, and any existing or previous relations of the proposed guardian with the minor or his property.

(3) If the minor is old enough to form an intelligent preference, the Court may consider that preference.

(4) The Court shall not appoint or declare any person to be a guardian against his will.

Appointment or declaration of Deputy Commissioner in virtue of office.

17. Where a Deputy Commissioner is appointed or declared by the Court in virtue of his office to be guardian of the person or property, or both, of a minor, the order appointing or declaring him shall be deemed to authorise and require the person for the time being holding the

office to act as guardian of the minor with respect to his person or property, or both, as the case may be.

Guardian not to be appointed by the Court in certain cases.

18. Nothing in this chapter shall authorise the Court to appoint or declare a guardian of the person—

(*a*) of a minor who is a married female and whose husband is not, in the opinion of the Court, unfit to be guardian of her person, or,

(*b*) except in accordance with the law to which he is subject, of a minor whose father is living and is not, in the opinion of the Court, unfit to be guardian of the person of the minor.

CHAPTER III.

DUTIES, RIGHTS AND LIABILITIES OF GUARDIANS.

General.

Fiduciary relation of guardian to ward.

19. (1) A guardian stands in a fiduciary relation to his ward, and, save as provided by the will or other instrument, if any, by which he was appointed, or by this Regulation, he must not make any profit out of his office.

(2) The fiduciary relation of a guardian to his ward extends to and affects purchases by the guardian of the property of the ward and by the ward of the property of the guardian immediately or soon after the ward has ceased to be a minor, and generally all transactions between them while the influence of the guardian still lasts or is recent.

Capacity of minors to act as guardians.

20. A minor is incompetent to act as guardian of any minor except his own wife or child or, where he is the managing member of an undivided Hindu family, the wife or child of another minor member of that family.

Remuneration of guardian.

21. (1) A guardian appointed or declared by the Court shall be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties.

(2) When an officer of the Government, as such officer, is so appointed or declared to be guardian, such fees shall be paid to the Government out of the property of the ward as the Government, by general or special order, directs.

Control of Deputy Commissioner as guardian.

22. A Deputy Commissioner appointed or declared by the Court to be guardian of the person or property, or both, of a minor shall, in all matters connected with the guardianship of his ward, be subject to the control of the Government or of such authority as the Government, by notification in the official Gazette, appoints in this behalf.

Guardian of the Person.

Duties of guardian of the person.

23. A guardian of the person of a ward is charged with the custody of the ward and must look to his support, health and education, and such other matters as the law to which the ward is subject requires.

Title of guardian to custody of ward.

24. (1) If a ward leaves or is removed from the custody of a guardian of his person, the Court, if it is of opinion that it will be for the welfare of the ward to return to the custody of his guardian, may make an order for his return, and for the purpose of enforcing the order may cause the ward to be arrested and to be delivered into the custody of the guardian.

(2) For the purpose of arresting the ward, the Court may exercise the power conferred on a Magistrate of the first class by section 100 of the Code of Criminal Procedure.

(3) The residence of a ward against the will of his guardian with a person who is not his guardian does not of itself terminate the guardianship.

Removal of ward from jurisdiction.

25. (1) A guardian of the person appointed or declared by the Court, unless he is the Deputy Commissioner or is a guardian appointed by will or other instrument, shall not, without the leave of the Court by which he was appointed or declared, remove the ward from the limits of its jurisdiction except for such purposes as may be prescribed.

(2) The leave granted by the Court under sub-section (1) may be special or general, and may be defined by the order granting it.

Guardian of Property.

Duties of guardian of property.

26. A guardian of the property of a ward is bound to deal therewith as carefully as a man of ordinary prudence would deal with it if it were his own, and, subject to the provisions of this chapter, he may do all acts which are reasonable and proper for the realisation, protection or benefit of the property.

Powers of testamentary guardian.

27. Where a guardian has been appointed by will or other instrument, his power to mortgage or charge, or transfer by sale, gift, exchange or otherwise, immovable property belonging to his ward is subject to any restriction which may be imposed by the instrument, unless he has under this Regulation been declared guardian and the Court which made the declaration permits him by an order in writing, notwithstanding the restriction, to dispose of any immovable property specified in the order in a manner permitted by the order.

Limitation of powers of guardian of property appointed or declared by the Court.

28. When a person other than a Deputy Commissioner, or than a guardian appointed by will or other instrument, has been appointed or declared by the Court to be guardian of the property of a ward, he shall not, without the previous permission of the Court,—

(*a*) mortgage or charge, or transfer by sale, gift, exchange or otherwise, any part of the immovable pro-

part of that property for a term
or for any term extending more than
date on which the ward will cease

of immovable property by a guardian
either of the two last foregoing
t the instance of any other person

ion to the guardian to do any of the
ction 28 shall not be granted by the
of necessity or for an evident advant-

granting the permission shall recite
ntage, as the case may be, describe the
t to which the act permitted is to be
ch conditions, if any, as the Court
h to the permission; and it shall be

Voidability of transfers made in contravention of section 27 or section 28.

Practice with respect to permitting transfers under section 28.

one year beyo
to be a minor.
29. A dis
in contraventi
sections is void
affected thereby
30. (1) Pe
acts mentioned i
Court except in c
age to th

recorded, dated and signed by the Judge of the Court with his own hand, or, when from any cause he is prevented from recording the order with his own hand, shall be taken down in writing from his dictation and be dated and signed by him.

(3) The Court may in its discretion attach to the permission the following among other conditions, namely:—

(*a*) that a sale shall not be completed without the sanction of the Court;

(*b*) that a sale shall be made to the highest bidder by public auction, before the Court or some person specially appointed by the Court for that purpose, at a time and place to be specified by the Court, after such proclamation of the intended sale as the Court, subject to any rules made under this Regulation by the Chief Court, directs;

(*c*) that a lease shall not be made in consideration of a premium or shall be made for such term of years and subject to such rents and covenants as the Court directs;

(*d*) that the whole or any part of the proceeds of the act permitted shall be paid into the Court by the guardian, to be disbursed therefrom or to be invested by the Court on prescribed securities or to be otherwise disposed of as the Court directs.

(4) Before granting permission to a guardian to do an act mentioned in section 28, the Court may cause notice of the application for the permission to be given to any relative or friend of the ward who should, in its opinion, receive notice thereof, and shall hear and record the statement of any person who appears in opposition to the application.

Variation of powers of guardian of property appointed or declared by the Court.

31. Where a guardian of the property of a ward has been appointed or declared by the Court and such guardian is not the Deputy Commissioner, the Court may, from time to time, by order, define, restrict or extend his powers with respect to the property of the ward in such manner and to such extent as it may consider to be for the advantage of the ward and consistent with the law to which the ward is subject.

Right of guardian so appointed or declared to apply to the Court for opinion in management of property of ward.

32. (1) A guardian appointed or declared by Court may apply by petition to the Court which appoi or declared him for its opinion, advice or direction present question respecting the management istration of the property of his war

(2) If the Court considers t for summary disposal, it shall caus to be served on, and the hearing th by, such of the persons interested the Court thinks fit.

(3) The guardian stating in the petition and acting upon the o tion given by the Court shall be de his own responsibility, to have guardian in the subject-matter of t

Obligations on guardian of property appointed or declared by the Court.

33. Where a guardian of th been appointed or declared b guardian is not the Deputy Co

(*a*) if so required by nearly as may be in the pre

the facts in rice or direc- far as regards his duty as cation.

of a ward has and such

lication as

bond as dge of

the Court, to enure for the benefit of the Judge for the time being, with or without sureties, as may be prescribed, engaging duly to account for what he may receive in respect of the property of the ward;

(*b*) if so required by the Court, deliver to the Court, within six months from the date of his appointment or declaration by the Court or within such other time as the Court directs, a statement of the immovable property belonging to the ward, of the money and other movable property which he has received on behalf of the ward up to the date of delivering the statement, and of the debts due on that date to or from the ward;

(*c*) if so required by the Court, exhibit his accounts in the Court at such times and in such form as the Court from time to time directs;

(*d*) if so required by the Court, pay into the Court at such time as the Court directs the balance due from him on those accounts, or so much thereof as the Court directs; and

(*e*) apply for the maintenance, education and advancement of the ward and of such persons as are dependent on him, and for the celebration of ceremonies to which the ward or any of those persons may be a party, such portion of the income of the property of the ward, as the Court from time to time directs, and, if the Court so directs, the whole or any part of that property.

Suit against guardian where administration-bond was taken.

34. Where a guardian appointed or declared by the Court has given a bond duly to account for what he may receive in respect of the property of his ward, the Court may, on application made by petition and on being satisfied that the engagement of the bond has not been kept, and upon such terms as to security, or providing that any money received be paid into the Court, or otherwise as the Court thinks fit, assign the bond to some proper person, who shall thereupon be entitled to sue on the bond in his own name as if the bond had been originally given to him instead of to the Judge of the Court, and shall be entitled to recover thereon as trustee for the ward, in respect of any breach thereof.

Suit against guardian where administration-bond was not taken.

35. (1) Where a guardian appointed or declared by the Court has not given a bond as aforesaid, any person, with the leave of the Court, may, as next friend, at any time during the continuance of the minority of the ward, and upon such terms as aforesaid, institute a suit against the guardian, or, in case of his death, against his representative, for an account of what the guardian has received in respect of the property of the ward, and may recover in the suit, as trustee for the ward, such amount as may be found to be payable by the guardian or his representative, as the case may be.

(2) The provisions of sub-section (1) shall, so far as they relate to a suit against a guardian, be subject to the provisions of Order XXXII, Rule 4, sub-rule (2), of the Code of Civil Procedure.

General liability of guardian as trustee.

36. Nothing in either of the two last foregoing sections shall be construed to deprive a ward or his representative of any remedy against his guardian, or the representative of the guardian, which, not being expressly provided in either of those sections, any other beneficiary or his representative would have against his trustee or the representative of the trustee.

Termination of Guardianship.

Right of survivorship among joint guardians.

37. On the death of one of two or more joint guardians, the guardianship continues to the survivor or survivors until a further appointment is made by the Court.

Removal of guardian.

38. The Court may, on the application of any person interested, or of its own motion, remove a guardian appointed or declared by the Court, or a guardian appointed by will or other instrument, for any of the following causes, namely :—

(*a*) for abuse of his trust ;

(*b*) for continued failure to perform the duties of his trust ;

(*c*) for incapacity to perform the duties of his trust ;

(*d*) for ill-treatment, or neglect to take proper care, of his ward ;

(*e*) for contumacious disregard of any provision of this Regulation or of any order of the Court ;

(*f*) for conviction of an offence implying, in the opinion of the Court, a defect of character which unfits him to be the guardian of his ward ;

(*g*) for having an interest adverse to the faithful performance of his duties ;

(*h*) for ceasing to reside within the local limits of the jurisdiction of the Court ;

(*i*) in the case of a guardian of the property, for bankruptcy or insolvency ;

(*j*) by reason of the guardianship of the guardian ceasing or being liable to cease, under the law to which the minor is subject :

Provided that a guardian appointed by will or other instrument, whether he has been declared under this Regulation or not, shall not be removed—

(*a*) for the cause mentioned in clause (*g*) unless the adverse interest accrued after the death of the person who appointed him, or it is shown that that person made and maintained the appointment in ignorance of the existence of the adverse interest, or

(*b*) for the cause mentioned in clause (*h*) unless such guardian has taken up such a residence as, in the opinion of the Court, renders it impracticable for him to discharge the functions of guardian.

Discharge of guardian.

39. (1) If a guardian appointed or declared by the Court desires to resign his office, he may apply to the Court to be discharged.

(2) If the Court finds that there is sufficient reason for the application, it shall discharge him, and, if the guardian making the application is the Deputy Commissioner and the Government approves of his applying to be discharged, the Court shall in any case discharge him.

Cessation of authority of guardian.

40. (1) The powers of a guardian of the person cease—

(*a*) by his death, removal or discharge ;

(*b*) by the ward ceasing to be a minor ;

(*c*) in the case of a female ward, by her marriage

to a husband who is not unfit to be guardian of her person, or, if the guardian was appointed or declared by the Court, by her marriage to a husband who is not, in the opinion of the Court, so unfit; or,—

(*d*) in the case of a ward whose father was unfit to be guardian of the person of the ward, by the father ceasing to be so or, if the father was deemed by the Court to be so unfit, by his ceasing to be so in the opinion of the Court.

(2) The powers of a guardian of the property cease—

(*a*) by his death, removal or discharge;

(*b*) by the ward ceasing to be a minor.

(3) When for any cause the powers of a guardian cease, the Court may require him or, if he is dead, his representative to deliver as it directs any property in his possession or control belonging to the ward or any accounts in his possession or control relating to any past or present property of the ward.

(4) When he has delivered the property or accounts as required by the Court, the Court may declare him to be discharged from his liabilities save as regards any fraud which may subsequently be discovered.

Appointment of successor to guardian dead, discharged or removed.

41. When a guardian appointed or declared by the Court is discharged, or, under the law to which the ward is subject, ceases to be entitled to act, or when any such guardian or a guardian appointed by will or other instrument is removed or dies, the Court, of its own motion or on application under Chapter II, may, if the ward is still a minor, appoint or declare another guardian of his person or property, or both, as the case may be.

CHAPTER IV.

Supplemental Provisions.

Orders for regulating conduct or proceedings of guardians, and enforcement of those orders.

42. (1) The Court may, on the application of any person interested or of its own motion, make an order regulating the conduct or proceedings of any guardian appointed or declared by the Court.

(2) Where there are more guardians than one of a ward, and they are unable to agree upon a question affecting his welfare, any of them may apply to the Court for its direction, and the Court may make such order respecting the matter in difference as it thinks fit.

(3) Except where it appears that the object of making an order under sub-section (1) or sub-section (2) would be defeated by the delay, the Court shall, before making the order, direct notice of the application therefor or of the intention of the Court to make it, as the case may be, to be given, in a case under sub-section (1), to the guardian or, in a case under sub-section (2), to the guardian who has not made the application.

(4) In case of disobedience to an order made under sub-section (1) or sub-section (2), the order may be enforced in the same manner as an injunction granted under Rule 1 or Rule 2 of Order XXXIX of the Code of Civil Procedure, in a case under sub-section (1), as if the ward were the plaintiff and the guardian were the defendant or, in a case under sub-section (2), as if the guardian who made the application were the plaintiff and the other guardian were the defendant.

(5) Except in a case under sub-section (2), nothing in this section shall apply to a Deputy Commissioner who is, as such, a guardian.

Penalty for removal of ward from jurisdiction.

43. If, for the purpose or with the effect of preventing the Court from exercising its authority with respect to a ward, a guardian appointed or declared by the Court removes the ward from the limits of the jurisdiction of the Court in contravention of the provisions of section 25, he shall be liable, by order of the Court, to fine not exceeding one thousand rupees, or to imprisonment in the civil jail for a term which may extend to six months.

Penalty for contumacy.

44. (1) In the following cases, namely :—

(*a*) if a person having the custody of a minor fails to produce him or cause him to be produced in compliance with a direction under section 11, sub-section (1), or to do his utmost to compel the minor to return to the custody of his guardian in obedience to an order under section 24, sub-section (1), or

(*b*) if a guardian appointed or declared by the Court fails to deliver to the Court, within the time allowed by or under clause (*b*) of section 33, a statement required under that clause, or to exhibit accounts in compliance with a requisition under clause (*c*) of that section, or to pay into the Court the balance due from him on those accounts in compliance with a requisition under clause (*d*) of that section, or

(*c*) if a person who has ceased to be guardian, or the representative of such a person, fails to deliver any property or accounts in compliance with a requisition under section 40, sub-section (3),

the person, guardian or representative, as the case may be, shall be liable, by order of the Court, to fine not exceeding one hundred rupees, and in case of recusancy to further fine not exceeding ten rupees for each day after the first during which the default continues, and not exceeding five hundred rupees in the aggregate, and to detention in the civil jail until he undertakes to produce the minor or cause him to be produced, or to compel his return, or to deliver the statement or to exhibit the accounts or to pay the balance, or to deliver the property or accounts, as the case may be.

(2) If a person who has been released from detention on giving an undertaking under sub-section (1) fails to carry out the undertaking within the time allowed by the Court, the Court may cause him to be arrested and recommitted to the civil jail.

Report by Deputy Commissioner and subordinate Courts.

45. (1) The Court may call upon the Deputy Commissioner, or upon any Court subordinate to the Court, for a report on any matter arising in any proceeding under this Regulation and treat the report as evidence.

(2) For the purpose of preparing the report the Deputy Commissioner or the Judge of the subordinate Court, as the case may be, shall make such inquiry as he deems necessary, and may for the purposes of the inquiry exercise any power of compelling the attendance of a witness to give evidence or produce a document which is conferred on a Court by the Code of Civil Procedure.

Orders appealable.

46. An appeal shall lie to the Chief Court from an order made by a District Court,—

(*a*) under section 6, appointing or declaring or refusing to appoint or declare a guardian; or,

(*b*) under section 8, sub-section (3), returning an application; or,

(*c*) under section 24, making or refusing to make an order for the return of a ward to the custody of his guardian; or,

(*d*) under section 25, refusing leave for the removal of a ward from the limits of the jurisdiction of the Court, or imposing conditions with respect thereto; or,

(*e*) under section 27 or section 28, refusing permission to a guardian to do an act referred to in the section; or,

(*f*) under section 31, defining, restricting or extending the powers of a guardian; or,

(*g*) under section 38, removing a guardian; or,

(*h*) under section 39, refusing to discharge a guardian; or,

(*i*) under section 42, regulating the conduct or proceedings of a guardian or settling a matter in difference between joint guardians, or enforcing the order; or,

(*j*) under section 43 or section 44, imposing a penalty.

Finality of other orders

47. Save as provided by the last foregoing section and by sections 114 and 115 of the Code of Civil Procedure, an order made under this Regulation shall be final, and shall not be liable to be contested by suit or otherwise.

Costs.

48. The costs of any proceedings under this Regulation including the costs of maintaining a guardian or other person in the civil jail, shall, subject to any rules made by the Chief Court under this Regulation, be in the discretion of the Court in which the proceeding is had.

Power of Chief Court to make rules

49. (1) In addition to any other power to make rules conferred expressly or impliedly by this Regulation, the Chief Court may from time to time make rules consistent with this Regulation,—

(*a*) as to the matters respecting which, and the time at which, reports should be called for from Deputy Commissioners and subordinate Courts;

(*b*) as to the allowances to be granted to, and the security to be required from, guardians, and the cases in which such allowances should be granted;

(*c*) as to the procedure to be followed with respect to applications of guardians for permission to do acts referred to in sections 27 and 28;

(*d*) as to the circumstances in which such requisitions as are mentioned in clauses (*a*), (*b*), (*c*) and (*d*) of section 33 should be made;

(*e*) as to the preservation of statements and accounts delivered and exhibited by guardians;

(*f*) as to the inspection of those statements and accounts by persons interested;

(*g*) as to the custody of money, and securities for money, belonging to wards;

(*h*) as to the securities on which money belonging to wards may be invested;

(*i*) as to the education of wards for whom guardians, not being Deputy Commissioners, have been appointed or declared by the Court; and,

(*j*) generally, for the guidance of the Courts in carrying out the purposes of this Regulation.

(2) Rules under clauses (*a*) and (*i*) of sub-section (1) shall not have effect until they have been approved by the Government, nor shall any rule under this section have effect until it has been published in the official Gazette.

Applicability of Regulation to guardians already appointed by Court.

50. A guardian appointed by or holding a certificate of administration from a Civil Court under any enactment repealed by this Regulation shall, save as may be prescribed, be subject to the provisions of this Regulation, and of the rules made under it, as if he had been appointed or declared by the Court under Chapter II.

THE SCHEDULE.

Enactments Repealed.

(See Section 2.)

Description, number and year.	Title or subject.	Extent of repeal.
Notification by the Government of India, Foreign Department No. 75—J., dated the 25th April 1872.	Rules relating to the Custody and Guardianship of Minors, Idiots and other disqualified persons in the Province of Mysore.	The whole, except Rule 22 and so much of Rule 23 as relates to orders passed under Rule 22, and except so far as may be necessary to give effect to Rule 22.
Regulation III of 1900 ...	The Mysore Court Fees Regulation, 1900.	Section 28, and Article 9 of Schedule I.

T. ANANDA ROW,
Dewan.

NOTIFICATIONS.

No. J. 3106—Legis. 44-09, dated 13th May 1911.

In exercise of the powers conferred by Section 56 of the Mysore Police Regulation, V of 1908, the Government of His Highness the Maharaja of Mysore are pleased to extend, with effect from the 1st July 1911, the whole of the provisions of the said section to the Cities of Bangalore and Mysore, the area under the control of the Kolar Gold Fields Sanitary Board, all district headquarter towns and all towns which are the headquarters of a taluk or a sub-taluk.

This Notification shall supersede, from the day on which it will take effect, *viz.*, the 1st July 1911, the Government Notifications No. J. 2463—Legis. 34-08-1, dated 23rd February 1909, No. J. 888—Legis. 11-09-2, dated 22nd September 1909, and No. J. 3718—Legis. 21-09-4, dated 11th June 1910.

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

No. 341—L. C., dated 16th May 1911.

(ERRATUM.)

In the Abstract Proceedings of the Meeting of the Mysore Legislative Council held on the 27th April 1911 and published in the Supplement to the *Mysore Gazette*, dated the 11th May 1911, at page 11, paragraph 3, (Mr. K. P. Puttanna Chetty's Speech) line 3, read "license" for the word "octroi."

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 21.

BANGALORE, THURSDAY, MAY 25, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 3106—Legis. 44-09, dated 13th May 1911.

In exercise of the powers conferred by Section 56 of the Mysore Police Regulation, V of 1908, the Government of His Highness the Maharaja of Mysore are pleased to extend, with effect from the 1st July 1911, the whole of the provisions of the said section to the Cities of Bangalore and Mysore, the area under the control of the Kolar Gold Fields Sanitary Board, all district headquarter towns and all towns which are the headquarters of a taluk or a sub-taluk.

This Notification shall supersede, from the day on which it will take effect, *viz.*, the 1st July 1911, the Government Notifications No. J. 2463—Legis. 34-08-1, dated 23rd February 1909, No. J. 888—Legis. 11-09-2, dated 22nd September 1909, and No. J. 3718—Legis. 21-09-4, dated 11th June 1910.

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government, General and Revenue Departments.

THE MYSORE INSOLVENCY REGULATION.

CONTENTS.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Insolvency jurisdiction.
4. Acts of insolvency.
5. Petition and adjudication.
6. Presentation and admission of petition.
7. Withdrawal of petitions.
8. Consolidation of petitions.
9. Power to change carriage of proceedings.
10. Continuance of proceedings on death of debtor.
11. Contents of petition.
12. Procedure on admission of petition.
13. Interim proceedings against debtor.
14. Procedure at hearing.
15. Dismissal of petition.
16. Order of adjudication.
17. Power to cancel one of concurrent orders of adjudication.
18. Appointment of receiver.
19. Power to appoint Official Receivers.
20. Duties and powers of receiver.
21. Special provisions in regard to immovable property.
22. Appeal to Court against receiver.
23. Powers of Court if no receiver appointed.
24. Schedule of creditors.
25. Mode of proof.
26. Disallowance and reduction of entries in schedule.
27. Compositions and schemes of arrangement.
28. Debts provable under this Regulation.
29. Debt payable at a future time.
30. Mutual dealings and set-off.
31. Secured creditors.
32. Interest.
33. Priority of debts.
34. Restriction of rights of creditor under execution.
35. Duties of Court executing decree as to property taken in execution.
36. Avoidance of voluntary transfer.
37. Avoidance of preference in certain cases.
38. Protection of *bona fide* transactions.
39. Dividends.
40. Management by and allowance to insolvent.
41. Right of insolvent to surplus.
42. Power to annul adjudication of insolvency.
43. Duties of debtors.
44. Discharge.

45. Effect of order of discharge.
46. Appeals.
47. General powers of Courts.
48. Summary administration.
49. Costs.
50. Courts to be auxiliary to each other.
51. Power to make rules.
52. Delegation of powers to Official Receivers.
55. Repeals.

THE SCHEDULE.

Enactments repealed.

REGULATION No. VI OF 1911.

(Received the assent of His Highness the Maharaja on the 15th day of May 1911.)

THE MYSORE INSOLVENCY REGULATION.

A Regulation to consolidate and amend the law relating to Insolvency in Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to insolvency in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called "the Mysore Insolvency Regulation, 1911."

(2) It extends to the whole of Mysore: and

(3) It shall come into force on the first day of July 1911.

Definitions.

2. (1) In this Regulation, unless there is anything repugnant in the subject or context,—

(*a*) "available act of insolvency" means any act of insolvency available for an insolvency petition at the date of the presentation of the petition on which the order of adjudication is made:

(*b*) "creditor" includes a decree-holder, "debt" includes a judgment-debt, and "debtor" includes a judgment-debtor:

(*c*) "District Court" means the principal Civil Court of original jurisdiction:

(*d*) "prescribed" means prescribed by rules made under this Regulation:

(*e*) "property" includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit:

(*f*) "secured creditor" includes a land-lord who under any enactment for the time being in force has a charge on land for the rent of that land: and

(*g*) "the Court" means the Court exercising jurisdiction under this Regulation.

(2) Save as herein otherwise provided, all words and expressions defined in the Code of Civil Procedure shall have the same meanings as those respectively assigned to them in the said Code.

Insolvency jurisdiction.

3. The jurisdiction under this Regulation shall be exercised by the District Courts.

Provided that the Government of Mysore may, by notification in the official Gazette, invest any Court subordinate to a District Court with jurisdiction in any class of cases any Court so invested shall, within the local jurisdiction, have concurrent jurisdiction with Court under this Regulation.

Acts of insolvency.

ebtor commits an act of insolvency in each cases namely:—

or elsewhere, he makes a transfer rty to a third person for the his creditors generally;

(*b*) if, in Mysore or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors;

(*c*) if, in Mysore or elsewhere, he makes any transfer of his property or of any part thereof, or of any interest therein, which would under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent;

(*d*) if, with intent to defeat or delay his creditors,—

(*i*) he departs or remains out of Mysore,

(*ii*) he departs from his dwelling-house or usual place of business or otherwise absents himself,

(*iii*) he secludes himself so as to deprive his creditors of the means of communicating with him;

(*e*) if any of his property has been sold in execution of the decree of any Court for the payment of money;

(*f*) if he petitions to be adjudged an insolvent under the provisions of this Regulation;

(*g*) if he gives notice to any of his creditors that he has suspended, or that he is about to suspend, payment of his debts;

(*h*) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purposes of this section the act of an agent may be the act of the principal.

Petition and adjudication.

5. Subject to the conditions specified in this Regulation, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent.

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

Presentation and admission of petition.

6. (1) Every insolvency petition shall be in writing, and shall be signed and verified in the manner prescribed by the Code of Civil Procedure for signing and verifying plaints, and the procedure laid down by the said Code with respect to the admission of plaints shall, so far as it is applicable, be followed in the case of such petitions.

(2) Every insolvency petition shall be presented to a Court having jurisdiction under this Regulation in any local area in which the debtor ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, where he is in custody.

(3) The debtor shall not be entitled to prese insolvency petition unless—

(*a*) his debts amount to five hundre

(*b*) he has been arrested or imprison tion of the decree of any Cour ment of money;

(*c*) an order of attacl a decree has be against his prop

(4) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(*a*) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors, amounts to five hundred rupees, and

(*b*) the debt is a liquidated sum payable either immediately or at some certain future time, and

(*c*) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(5) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors n the event of the debtor being adjudged insolvent or give an estimate of the value of the security. In the latter case he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

(6) No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

Withdrawal of petitions.

7. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court.

Consolidation of petitions.

8. Where two or more insolvency petitions are presented against the same debtor or where separate pettions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Power to change carriage of proceedings.

9. Where the petitioning creditor does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Regulation in the case of a petitioning creditor.

Continuance of proceedings on death of debtor.

10. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued as if he were alive, such representative being substituted as the Court may direct.

Contents of petition.

11. (1) Every insolvency petition presented by a debtor shall contain the following particulars, namely :—

(*a*) a statement that the debtor is unable to pay his debts ;

(*b*) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody ;

(*c*) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property ; together with particulars of the decree in respect of which any such order has been made ;

(*d*) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they

are known to, or can by the exercise of reasonable care and diligence be ascertained by, him;

(*e*) the amount and particulars of all his property, together with—

(*i*) a specification of the value of all such property not consisting of money;

(*ii*) the place or places at which any such property is to be found; and

(*iii*) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

(2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (*b*) of sub-section (1), and shall also specify—

(*a*) the act of insolvency committed by such debtor together with the date of its commission; and

(*b*) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Procedure on admission of petition.

12. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition.

(2) Notice of the order under sub-section (1) shall be given to creditors by publication in the official Gazette, and in such other manner as may be prescribed.

(3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

Interim proceedings against debtor.

13. At the time of making the order referred to in section 12, sub-section (1), or at any subsequent time before adjudication, the Court may, either of its own motion or on the application of any creditor, make one or more of the following orders, namely:—

(1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the civil prison,

(2) order the appointment of an interim receiver of the property of the debtor or of any part thereof,

(3) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree,

(4) order a warrant to issue with or without bail for the arrest of the debtor and direct either that he be detained in the civil prison, until

the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary:

Provided that an order under clause (2), clause (3) or clause (4) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(*i*) has absconded or has departed from the local limits of the jurisdiction of the Court or is about to abscond or to depart from such limits, or is remaining outside them, or

(*ii*) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Procedure at hearing.

14. (1) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof—

(*a*) that the creditor or the debtor, as the case may be, is entitled to present the petition,

(*b*) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order referred to in section 12, sub-section (1), and

(*c*) that the debtor has committed the act of insolvency alleged against him.

(2) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.

(3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

(4) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the judge and shall form part of the record of the case.

Dismissal of petition.

15. (1) Where the Court is not satisfied with the proof of the right to present the petition or of the service of notice on the debtor as required by section 12, sub-section (3), or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition.

(2) Where a petition presented by a creditor is dismissed under sub-section (1) and the Court is satisfied that the petition was frivolous or vexatious, the Court may, on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon and such amount may be realised as if it were a fine.

(3) An award under this section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

Order of adjudication.

16. (1) Where a petition is not dismissed under the preceding section and the debtor is unable to propose any composition or scheme which shall be accepted by the creditors and approved by the Court in the manner hereinafter provided, the Court shall make an order of adjudication.

(2) On the making of an order of adjudication—

(*a*) the whole of the property of the insolvent, save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree, shall vest in the Court or in a receiver as hereinafter provided and shall become divisible among the creditors, and

(*b*) the insolvent, if in prison for debt, shall be released;

and thereafter, except as provided by this Regulation, no creditor to whom the insolvent is indebted in respect of any debt provable under this Regulation shall during the pendency of the insolvency proceedings have any remedy against the property or person of the insolvent in respect of the debt or commence any suit or other legal proceedings, except with the leave of the Court and on such terms as the Court may impose.

(3) All such property as may be acquired by or devolve on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver and become divisible among the creditors in accordance with the provisions of sub-section (2), clause (*a*).

(4) Nothing in this section shall affect the power of any secured creditor to realise or otherwise deal with his security in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.

(5) An order of adjudication shall relate back to, and take effect from, the date of the presentation of the petition on which it is made.

(6) Notice of an order of adjudication stating the name, address and description of the insolvent, the date of the adjudication and the Court by which the adjudication is made shall be published in the official Gazette and in such other manner as may be prescribed.

Power to cancel one of concurrent orders of adjudication.

17. If in any case in which an order of adjudication has been made it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor and that the property of the debtor can be more conveniently distributed by such other Court, the Court may rescind the order of adjudication and stay all proceedings or dismiss the petition on such terms (if any) as the Court thinks fit.

Appointment of receiver.

18. (1) The Court may, at the time of the order of adjudication, or at any time afterwards, appoint a receiver for the property of the insolvent, and such property shall thereupon vest in such receiver.

(2) Subject to such conditions as may be prescribed, the Court may—

(*a*) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(*b*) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is, from the possession or custody thereof:

Provided that nothing in this section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(4) Where a receiver appointed under this section—

(*a*) fails to submit his accounts at such periods and in such form as the Court directs, or

(*b*) fails to pay the balance due from him thereon as the Court directs, or

(*c*) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

Power to appoint Official Receivers.

19. (1) The Government of Mysore may appoint such persons as it thinks fit to be called "Official Receivers" to be receivers under this Regulation within such local limits as it may prescribe.

(2) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Regulation, he shall be the receiver for the purpose of every order appointing a receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(3) Any sum payable under section 18, sub-section (2), clause (*b*), in respect of the services of an Official Receiver shall be credited to such fund as the Government may direct.

(4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as the Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

Duties and powers of receiver.

20. Subject to the provisions of this Regulation, the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(*a*) sell all or any part of the property of the insolvent;

(*b*) give receipts for any money received by him;

and may, by leave of the Court, do all or any of the following things, namely:—

(*c*) carry on the business of the insolvent so far as may be necessary for the beneficial winding-up of the same;

(*d*) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(*e*) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(*f*) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulation as to security and otherwise as the Court thinks fit;

(*g*) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(*h*) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon;

(*i*) divide in its existing form amongst the creditors, according to its estimated value, any property which, from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Special provisions in regard to immovable property.

21. In any local area in which a declaration has been made under section 68 of the Code of Civil Procedure and is in force, no sale of immovable property paying revenue to the Government or held or let for agricultural purposes shall be made by the receiver; but, after the other property of the insolvent has been realised, the Court shall ascertain—

(*a*) the amount required to satisfy the debts proved under this Regulation after deducting the moneys already received;

(*b*) the immovable property of the insolvent remaining unsold, and

(*c*) the incumbrances (if any) existing thereon,

and shall forward a statement to the Deputy Commissioner containing the particulars aforesaid; and thereupon the Deputy Commissioner shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by paragraphs 2 to 10 of the Third Schedule of the said Code as he thinks fit, and subject to the provisions of those sections so far as they are applicable, and shall hold at the disposal of the Court all sums that may come to his hands by the exercise of such powers.

Appeal to Court against receiver.

22. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court, and the Court may confirm, reverse or modify the act or decision complained of and make such order as it thinks just:

Provided that no application under this section shall be entertained after the expiration of twenty-one days from the date of the order or decision complained of.

Powers of Court if no receiver appointed.

23. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Regulation.

Schedule of creditors.

24. (1) All persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Regulation shall tender proof of their respective debts by producing evidence of the amount and particulars thereof; and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and the amount of such debts, respectively, and shall frame a schedule of such persons and debts:

Provided that, if, in the opinion of the Court, the value of any debt is incapable of being fairly estimated,

the Court may make an order to that effect, and thereupon the debt shall not be included in the schedule.

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of his debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Regulation, and not entered in the schedule; and the Court, after causing notice to be served on the insolvent and the other creditors, and hearing their objections (if any), shall comply with or reject the application.

Mode of proof.

25. (1) A debt may be proved under this Regulation by delivering, or sending by post in a registered letter, to the Court an affidavit verifying the debt.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

Disallowance and reduction of entries in schedule.

26. (1) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt.

(2) The Court may also, after like inquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter, or, in the case of a composition or scheme, upon the application of the debtor.

Compositions and schemes of arrangement.

27. (1) Where a debtor, whether before or after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal and shall issue a notice to all creditors by publication in the official Gazette and in such other manner as may be prescribed.

(2) If on the consideration of the proposal a majority in number and three-fourths in value of all the creditors whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(4) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed, and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas

in the rupee on all the unsecured debts provable against the debtor's estate.

(6) In any other case the Court may either approve or refuse to approve the proposal.

(7) If the Court approves the proposal, the terms shall be embodied in an order of the Court and the Court shall frame a schedule in accordance with the provisions of section 24, the order of adjudication (if any) shall be annulled and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

(8) If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is adjudged insolvent under this sub-section, all debts provable in other respects which have been contracted before the date of such adjudication shall be provable in the insolvency.

(9) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

Debts provable under this Regulation.

28. (1) Save as provided by sub-section (2), all debts and liabilities, present or future, to which the debtor is subject when he is adjudged an insolvent or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Regulation.

(2) Demands in the nature of unliquidated damages arising otherwise than by reason of a contract or breach of trust shall not be provable under this Regulation.

Debt payable at a future time.

29. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted.

Mutual dealings and set-off.

30. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Regulation, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively.

Secured creditors.

31. (1) Where a secured creditor realises his security, he may prove for the balance due to him, after deducting the net amount realised.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the value at which he

assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this section he shall be excluded from all share in any dividend.

Interest.

32. (1) On any debt or sum certain whereon interest is not reserved or agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Regulation, the creditor may prove for interest at a rate not exceeding six per centum per annum—

(*a*) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication; or,

(*b*) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved under this Regulation includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend, be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

Priority of debts.

33. (1) In the distribution of the property of the insolvent there shall be paid in priority to all other debts—

(*a*) all debts due to the Government of Mysore or to any local authority; and,

(*b*) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.

(2) The debts specified in sub-section (1) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(4) In the case of partners the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment

of his separate debts. Where there is a surplus of the separate property of the partners, it shall be dealt with as part of the partnership property; and, where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.

(5) Subject to the provisions of this Regulation, all debts entered in the schedule shall be paid rateably according to the amounts of such debts respectively and without any preference.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Restriction of rights of creditor under execution.

34. (1) Where execution of a decree has issued against the property of the debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the order of adjudication.

(2) Nothing in this section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

Duties of Court executing decree as to property taken in execution.

35. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an order of adjudication has been made against the debtor, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the costs of the execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Avoidance of voluntary transfer.

36. Any transfer of property not being a transfer made before or at and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be void against the receiver and may be annulled by the Court.

Avoidance of preference in certain cases.

37. (1) Every transfer of property or of any interest therein, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favor of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver and shall be annulled by the Court.

(2) This section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent.

Protection of *bona fide* transactions.

38. Subject to the foregoing provisions of this Regulation with respect to the effect of insolvency on an execution and with respect to the avoidance of certain transfers

and preferences, nothing in this Regulation shall invalidate in the case of an insolvency—

(*a*) any payment by the insolvent to any of his creditors;

(*b*) any payment or delivery to the insolvent;

(*c*) any transfer by the insolvent for valuable consideration; or

(*d*) any contract or dealing by or with the insolvent for valuable consideration:

Provided that any such transaction takes place before the date of the order of adjudication.

Dividends.

39. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet—

(*a*) debts provable under this Regulation and appearing, from the insolvent's statements or otherwise, to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;

(*b*) debts provable under this Regulation, the subject of claims not yet determined;

(*c*) disputed proofs or claims; and

(*d*) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of sub-section (1), all money in hand shall be distributed as dividends.

(3) Any creditor who has not proved his debt before the declaration of any dividend or dividends, shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his death was proved by reason that he has not participated therein.

(4) When the receiver has realised all the property of the insolvent or so much thereof as can, in the opinion of the Court, be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court on application by any such claimant grants him further time for establishing his claim then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

(5) No suit for a dividend shall lie against the receiver; but, where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

Management by and allowance to insolvent.

40. (1) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors, and in any other respect to aid in administering the

property in such manner and on such terms as the Court may direct.

(2) The Court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate; but any such allowance may, at any time, be varied or determined by the Court.

Right of insolvent to surplus.

41. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors, with interest as provided by this Regulation, and of the expenses of the proceedings taken thereunder.

Power to annul adjudication of insolvency.

42. (1) Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, or where a composition or scheme has been approved by the Court under section 27, the Court shall, on the application of the debtor or of any other person interested, by order in writing, annul the adjudication.

(2) Where an adjudication is annulled under sub-section (1), all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

(3) Notice of every order annulling an adjudication shall be published in the official Gazette and in such other manner as may be prescribed.

Duties of debtors.

43. (1) Every debtor, whether before or after the making of an order of adjudication, shall produce all books of account, give such inventories of his property, and such lists of his creditors and debtors and of the debts due to and from them respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally give such aid in the realisation of his property and the distribution of the proceeds amongst his creditors, as may be required by the Court or receiver, or as may be prescribed.

(2) If a debtor, whether before or after the making of an order of adjudication,—

(*a*) wilfully makes false entries in the inventories or lists referred to in sub-section (1), or

(*b*) fraudulently or vexatiously conceals, destroys, transfers, removes or refuses to produce any property or books of account, or

(*c*) commits any other act of bad faith in the performance of the duties imposed on him by this section,

the Court may sentence him, by order in writing, to simple imprisonment for a term which may extend to one year; and in every such case the Court shall record the facts constituting the offence with the statement (if any) made by the debtor.

Discharge.

44. (1) A debtor may, at any time after the order of adjudication, apply to the Court for an order of discharge; and the Court shall fix a day, notice whereof shall be given by publication in the official Gazette and in such

other manner as may be prescribed, for hearing such application, and any objections which may be made thereto.

(2) Subject to the provisions of this section, the Court may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver—

(*a*) grant or refuse an absolute order of discharge; or

(*b*) suspend the operation of the order for a specified time; or

(*c*) grant an order of discharge subject to any conditions with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property.

(3) The Court shall refuse to grant an absolute order of discharge on proof of any of the following facts, namely:—

(*a*) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities, unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible;

(*b*) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency;

(*c*) that the insolvent has continued to trade after knowing himself to be insolvent;

(*d*) that the insolvent has contracted any debt provable under this Regulation without having at the time of contracting it any reasonable or probable ground of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(*e*) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(*f*) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living or by gambling or by culpable neglect of his business affairs;

(*g*) that the insolvent has, within three months preceding the date of the presentation of the petition, when unable to pay his debts as they become due, given an undue preference to any of his creditors;

(*h*) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(*i*) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(4) For the purposes of this section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein.

(5) The powers of suspending, and of attaching conditions to, an insolvent's discharge may be exercised concurrently.

Effect of order of discharge.

45. (1) An order of discharge shall not release the insolvent from—

(*a*) any debt due to the Government of Mysore;

(*b*) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party; or

(*c*) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party.

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts entered in the schedule.

(3) An order of discharge shall not release any person who, at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

Appeals.

46. (1) Any person aggrieved by an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final.

(2) Any person aggrieved by an order made by the District Court under sections 15, 16, 24, 26, 36, 37, 42, 43, sub-section (2), or 44 otherwise than in appeal from an order made by a subordinate Court may appeal to the Chief Court.

(3) The Chief Court may, for the purpose of satisfying itself as to the legality or correctness of any order of a District Court passed under sub-section (1) or of any order other than those mentioned in sub-section (2), call for the case and pass such order with respect thereto as it thinks fit.

(4) The periods of limitation for appeals to the District Court and to the Chief Court under this section shall be thirty days and ninety days respectively.

General powers of Courts.

47. Subject to the provisions of this Regulation, the Court, in regard to proceedings under this Regulation, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

(2) Subject as aforesaid, the Chief Court and District Courts, in regard to proceedings under this Regulation in Courts subordinate to them, shall have the same powers and shall follow the same procedure as they respectively have and follow in regard to civil suits.

Summary administration.

48. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon—

(*a*) the estate shall, where practicable, be distributed in a single dividend,

(*b*) the provisions of this Regulation shall be subject to such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that nothing in this section shall permit the modification of the provisions of this Regulation relating to the examination or discharge of the debtor.

Costs.

49. Subject to any rules made under this Regulation, it shall be competent to the Court before which proceedings are taken under this Regulation to decree costs of such proceedings including the costs of maintaining a debtor in the Civil prison, in such manner as it thinks fit.

Courts to be auxiliary to each other.

50. All Courts having jurisdiction in insolvency and the officers of such Courts respectively shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Power to make rules.

51. (1) The Chief Court may, with the previous sanction of the Government of Mysore, make rules for carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide—

(*a*) for the appointment and remuneration of receivers (other than official receivers), the audit of the accounts of all receivers and the costs of such audit,

(*b*) for meetings of creditors, and

(*c*) for the procedure to be followed in the case of estates to be administered in a summary manner.

(3) All rules made under this section shall be published in the official Gazette, and shall, on such publication, have effect as if enacted in this Regulation.

Delegation of powers to official receivers.

52. (1) The Chief Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Regulation, the official receiver shall, subject to the directions of the Court, have all or any of the following powers, namely:—

(*a*) to hear insolvency petitions, to examine the debtor and to make orders of adjudication;

(*b*) to frame schedules and to admit or reject proofs of creditors;

(*c*) to grant orders of discharge;

(*d*) to approve compositions or schemes of arrangement;

(*e*) to make interim orders in any case of urgency;

(*f*) to hear and determine any unopposed or *ex parte* application.

(2) Subject to the appeal to the Court provided for by section 22, any order made or act done by the official receiver in the exercise of the said powers shall be deemed the order or act of the Court.

Repeals.

55. (1) The enactments mentioned in schedule are hereby repealed to the extent specified in the fourth column thereof.

(2) Where in any enactment or instrument in force at the date of the commencement of this Regulation reference is made to Chapter XX (OF INSOLVENT JUDGMENT-DEBTORS) of the Code of Civil Procedure, II of 1884, or to any section of that Chapter, such reference shall, so far as may be practicable, be construed as applying to this Regulation or to the corresponding section thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 55.)

Year	No.	Short title	Extent of repeal
1877	XV	The Indian Limitation Act, 1877.	No. 174 of the Second Schedule.
1884	II	The Code of Civil Procedure.	Section 341, clause (*e*), and Chapter XX (sections 344 to 360).
1892	VII	The Civil Procedure Code Amendment Regulation, 1892.	Section 32.

T. ANANDA ROW,

Dewan.

No. 340—*L. C., dated 5th May* 1911.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the marginally noted Bills are published for general information with statements of objects and reasons.

1. A Bill to provide for the establishment of Village Courts in Mysore.
2. A Bill to amend the law relating to Partition in Mysore.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill for the establishment of Village Courts in Mysore.

Whereas it is expedient to provide for the establishment of Village Courts in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

CHAPTER I.

Preliminary.

Title, commencement and Local extent.

1. (1) This Regulation may be called "The Mysore Village Courts Regulation, 19 ."

(2) It shall come into force on the first day of 19 .

(3) It shall extend to such village or villages in Mysore as may from time to time be notified by Government in the Official Gazette.

Interpretation Clause.

2. In this Regulation, unless there is something repugnant in the subject or context,—

"Village." "Village" means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes any area for which a Village Court may be established under this Regulation.

"Village Munsiff." "Village Munsiff" means the Judge of the Court of a Village Munsiff established under this Regulation.

"Village Court." "Village Court" shall include a Bench constituted under section 6.

"District Judge" and "Munsiff." "District Judge" or "Munsiff" means the District Judge or Munsiff within the local limits of whose jurisdiction the Village Court is situate.

CHAPTER II.

Establishment and Constitution of Village Courts.

Establishment of Village Courts.

3. The Government may, from time to time, by notification published in the Official Gazette,—

(1) establish a Village Court for any village or specified area;

(2) group two or more villages and establish a Village Court for them;

(3) constitute divisions in any village and establish a separate Village Court for each of such divisions.

A Village Court established under this Regulation shall be held before a Munsiff appointed, or a Bench of more than one Judge constituted, as hereinafter provided.

4. Village Munsiffs shall be appointed by the Deputy Commissioner of the District subject to such rules as the Government may from time to time prescribe; provided that no person not residing within the village shall be eligible for that office.

Appointment of Village Munsiffs.

5. The Deputy Commissioner of the District may suspend or remove a Village Munsiff for incapacity, neglect of duty, misconduct, or other just and sufficient cause, and shall do so, on a requisition made by the District Judge for like cause appearing in the judicial proceedings of a Village Munsiff.

Suspension or removal of Village Munsiff.

From every order suspending or removing a Village Munsiff, an appeal may be preferred within three months to the Revenue Commissioner if the order was passed by the Deputy Commissioner, without the orders from the District Judge, or to the Chief Court, if passed upon such orders. The decision of the Revenue Commissioner or the Chief Court, as the case may be, on all such appeals shall be final.

Appeals from the above orders to whom lie.

6. (1) For every village in respect of which a Village Court is constituted, and subject to any rules which the Government may make on this behalf, the Deputy Commissioner shall prepare and maintain a list of persons residing in the village and qualified to sit as members of a Bench for the trial of suits brought under this Regulation. Such list shall also be hung up in the Court-house of the Village Munsiff.

Provisions concerning Benches.

List of persons qualified to serve as members of a Bench.

(2) In any suit which may be instituted before a Village Court under this Regulation, the plaintiff in his plaint or the defendant in his answer may claim that the suit shall, instead of being tried by the Village Munsiff, be tried by a Bench of three judges, and nominate as a member of such Bench any person named in the list mentioned in clause (1); provided that such person is not his servant, dependent, relative or tenant, or personally interested in the result of the suit.

Either party to a suit may claim a trial by Bench.

(3) When the plaintiff has nominated such a person in his plaint, the defendant shall, by the summons, be requested to nominate one also. When the defendant has demanded a Bench and nominated such a person, the plaintiff shall be required to nominate one also. When any person nominated to serve on a Bench declines or is unable to act, the party who nominated him shall be required to make a fresh nomination.

If a requisition under this clause has not been complied with within two clear days after it is made, the Village Munsiff shall himself select from the list a person to serve on the Bench on behalf of the party so making default.

(4) The Village Munsiff shall summon the two persons nominated or selected as aforesaid to sit together with himself for the trial of the suit.

Member of Bench to be summoned by Village Munsiff.

(5) The Village Munsiff shall be the President of such Bench and shall regulate the procedure and issue all summonses, notices and the like in his own name, but the decree shall run in the name of all the three members of the Bench. If the members of the Bench cannot agree, the opinion of the majority shall prevail.

Procedure.

(6) No person summoned under this section to serve on a Bench shall be bound to sit for more than three days in a month; provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion.

Liability to serve on Bench.

(7) Whoever, being duly summoned under this section to serve on a Bench, declines or omits to do so, without reasonable excuse, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

Penalty for refusing or omitting to serve.

7. The Village Munsiff shall keep a register of suits filed in the Village Court and shall write the proceedings of the Court, and may, if necessary, employ any person in the village to assist him in keeping the register and in writing the proceedings.

Register of suits filed and record of proceedings held before Village Courts.

8. It shall be the duty of the village servant usually employed in carrying messages to serve all summonses, notices and orders issued under this Regulation and to act under the orders of the Village Munsiff in seizing, delivering and selling movable properties attached under this Regulation.

Service of summonses, etc.

9. The Deputy Commissioner of the district may, with the previous sanction of Government, appoint any other person to perform the duties prescribed by sections 7 and 8, respectively.

Power of Deputy Commissioner to appoint persons to perform duties mentioned in sections 7 and 8.

CHAPTER III.

Jurisdiction, Res Judicata and Limitation.

10. The following are the suits which shall be cognizable by Village Courts, namely :—

Cognizance of suits by Village Courts.

Claims based on contract for money due, or claims for personal property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of rupees twenty, whether on balance of account or otherwise.

Provided that no action shall be brought in any such Court—

Proviso.

(1) on a balance of partnership account unless the balance shall have been struck by the parties or their agents;

(2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will ;

(3) for the rent for land unless such rent is due upon a written contract signed by the defendant ;

(4) by or against Government or public officers in their official capacity ;

(5) by and against minors or persons of unsound mind.

11. With the written consent of both parties executed before the Court, a Village Court may hear and determine suits of the nature described in section 10, the amount or value of which shall not exceed Rs. 200.

Jurisdiction with consent.

12. No suit cognisable by the Village Munsiff under this Regulation shall be entertained, heard or determined in any other Court having jurisdiction within the local limits of the jurisdiction of such Village Munsiff's Court.

Exclusive jurisdiction of Village Courts in cases cognisable by such Courts.

Provided that all such cases pending in any Court at the time this Regulation comes into force shall be heard and determined by such Court and decrees passed in suits, which shall not have been executed prior to such time, shall be executed by such Courts.

Proviso.

13. Subject to the provisions contained in section 14, every suit brought under this Regulation shall be instituted in the Court of the Village Munsiff within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside or carry on business or personally work for gain.

Court in which suits to be instituted.

14. No Village Munsiff shall try any suit to which he is a party, or in which he is personally interested, or shall adjudicate upon any proceeding connected with or arising out of such suit. Every such suit or proceeding may be instituted in the Court of the Munsiff of any village immediately adjoining.

Suits in which the Court is personally interested.

15. No Village Court shall try any suit brought on a cause of action which has been heard and determined by a Court of competent jurisdiction, in a former suit, between the same parties, or those under whom they claim.

Res Judicata.

16. Every suit instituted in a Village Court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such Court.

Suit to include whole claim.

If a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall be precluded from bringing a fresh suit for, or in respect of, the portion so omitted or relinquished.

Relinquishment of part of claim.

17. If in the decision of a suit cognisable by a Village Court under sections 10 and 13 it becomes necessary to decide incidentally any matter in dispute between the parties to the suit concerning title to immovable property, or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation, which, if it had been the immediate subject matter of the suit, would not be cognisable under this Regulation by a Village Court, it shall be competent to the Village Court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action, though between the same parties or their representatives.

Incidental determination of matters not cognisable by Village Courts.

18. The provisions of the Mysore Limitation Regulation shall apply to suits and applications under this Regulation.

Limitation.

Provided that no suit or application shall be entertained by a Village Court after the expiration of three years from the time when the right to sue or make the application first accrued.

Proviso.

19. The Munsiff may, on the application of any of the parties, withdraw, for just and sufficient cause, any suit from a Village Court and try the suit himself, as if it had been instituted in his Court, or transfer it for trial to any other Village Court within the local limits of his jurisdiction.

Transfer of suits.

Provided that any party applying to have a suit withdrawn from a Village Court and tried by the Munsiff shall, before any such order of transfer is made, pay the amount of the fees payable under the Mysore Court Fees Regulation, 1900, in respect thereof.

CHAPTER IV.

Of the Institution and Frame of suits, Recognized Agents, the issue and Service of Summons on Parties, Adjournment and Consequences of non-appearance.

20. Every suit under this Regulation shall be instituted by presenting a plaint to the Village Munsiff together with as many copies thereof as there are defendants. One copy shall be delivered or affixed as hereinafter provided together with the copy of the summons.

Suit to be commenced by plaint.

21. The plaint shall be written in Kannada and signed by the plaintiff or in his absence by an agent duly authorised by him, and it shall contain the following particulars,—

Particulars to be contained in plaint.

(*a*) the name, description and residence of the plaintiff and defendant:

(*b*) A concise statement of the cause of action and when it arose:

(*c*) The relief prayed for and the total amount or value of the claim.

22. No advocate or pleader shall as such be permitted to appear on behalf of any party to a suit before a Village Court, but any party to any such suit may appoint by vakalatnama any relative, servant, friend or dependant to appear and plead for him. It shall however be competent to the Village Munsiff

Appearance in person or by agent.

whenever he thinks it necessary for the ends of justice, to order the personal attendance of any of the parties to the suit; and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent.

Registry of plaint and issue of summons.

23. When the plaint has been duly presented, the Village Munsiff shall cause it to be registered and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day.

The summons shall be accompanied by a copy of the plaint and shall require the defendant to bring his witnesses, if any, on the date fixed for hearing, the plaintiff being likewise directed to appear on that date with his witnesses.

The summons shall be served on the defendant personally and a copy thereof delivered to him.

Mode of service when defendant evades service.

24. If the Village Munsiff is satisfied that the defendant is evading service of the summons; the Village Munsiff may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides and another copy to the court-house of the Village Munsiff.

Mode of service when defendant is beyond local jurisdiction of Court.

25. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Court, it shall be forwarded to the Munsiff, who shall cause it to be served as if it had been a summons issued by himself, and shall then return it to the Village Court, together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

Procedure if defendant does not appear.

26. If a defendant does not appear in person or by agent on the day fixed, and it is proved that the summons was duly served, the Village Court may proceed *ex parte*.

If it is not proved that the summons was duly served, the Village Munsiff shall issue a fresh summons.

Every defendant may claim two clear days' notice of suit, and if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which due notice shall be given to defendant.

Process to be served at expense of party issuing.

27. Every summons served under this Regulation otherwise than by the village servant shall be served at the expense of the party on whose behalf it is issued and the amount of fee leviable for such service shall be fixed by Government from time to time and shall be levied by the Village Munsiff in such manner and subject to such rules as may be prescribed in that behalf by the Government.

Procedure where plaintiff does not appear and defendant does not admit claim or where summons is not served through plaintiff's default.

28. If on the day fixed for the defendant to appear—

(1) neither party appears, or

(2) the plaintiff does not appear and the defendant appears and does not admit the claim, or

(3) the summons has not been served owing to the plaintiff's default and the defendant does not appear,

the suit shall be dismissed unless the Village Court, for good and sufficient cause, otherwise directs.

Procedure where plaintiff does not appear and defendant admits claim.

29. If the plaintiff does not appear but the defendant appears and admits the claim wholly or in part, the Village Court shall pass judgment against the defendant in accordance with such admission, provided that, when only a part of the claim is admitted, the Court may adjourn the hearing to a future day.

30. Whenever a suit is dismissed under clause (1) or clause (3) of section 28, the plaintiff may bring a fresh suit, and if within 30 days from the date of an order under clause (2) of section 28 dismissing the suit or of a decree passed for only a part of the claim under section 29 the plaintiff satisfies the Village Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal or the decree and shall appoint a day for proceeding with the suit.

Setting aside order under section 28 or 29 on cause shown.

31. Any defendant against whom a decree has been passed *ex parte* may, within 30 days from the date of executing any process for its enforcement, apply to the Village Court to set it aside; and if satisfied that the summons or notice was not duly served or that the defendant was prevented by any sufficient cause from appearing, the Court shall set aside the decree and shall appoint a day for proceeding with the suit.

Setting aside *ex parte* decree against defendant.

32. No decree shall be set aside on any application under section 30 or section 31 unless notice has been served on the opposite party.

No decree to be set aside without notice to opposite party.

CHAPTER V.

Of the Hearing, Withdrawal or Compromise of Suits, and of the Summoning and Examination of Witnesses.

33. When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim, or if the suit is compromised, such admission or compromise shall be recorded in writing and signed by the parties, and the Court shall pass a decree in accordance therewith. If the defendant does not admit the claim, he shall be required to state his objections either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

Procedure on appearance of both parties.

34. If the plaintiff wishes to withdraw a suit, he shall signify the same in writing to the Court which shall strike the suit off the file and no fresh suit shall be brought on the same cause of action.

Withdrawal of suit.

35. If either party is willing to let the suit be settled by the oath of the other, and such other party assents and takes the oath, the Court shall give judgment according to such oath.

When suit may be settled by oath.

36. The defendant may set off any amount legally due to him by the plaintiff, for which he could bring a suit in a Village Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

Set-off.

37. When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim, and shall summon the witnesses cited by either party who are not present.

Witnesses not present to be summoned.

38. Any witness residing within the jurisdiction of the Village Court may be summoned verbally or in writing. Any witness residing within 5 miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Village Munsiff within whose jurisdiction he resides, or if for such area there is no Village Court, through the Court of the Munsiff within whose jurisdiction the witness resides. If any witness resides more than 5 miles beyond the jurisdiction, the Court may call on the parties to frame written interrogatories and shall forward such interrogatories with a letter to the Village Munsiff within whose jurisdiction the witness resides and such Munsiff shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending.

Summons to witnesses how served.

Interrogatories.

39. A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of a document.

Summons to appear and give evidence or produce document.

40. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in Court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the Village Court shall examine such person at his or her residence.

Exemption of certain persons from personal appearance.

41. Witnesses shall be examined on oath or affirmation, but it shall not be necessary for a Village Court to take down depositions of witnesses in writing.

Examination of witnesses.

42. If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the Village Court may adjourn the hearing to a day to be fixed in the presence of the parties or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the Village Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by sections 28 and 29, or make such other order as it thinks fit.

Adjournment in view to amicable settlement or for other cause.

CHAPTER VI.

Of the Decree and its Execution.

43. When the parties or their agents have been heard, and the evidence on both sides considered, the Village Court shall pass such a decree as may seem just, equitable and according to good conscience.

On conclusion of hearing, Court to pass decree.

44. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the movable property to be delivered, the sum to be paid in default of delivery, and the amount of costs to be paid and by what parties and in what proportions such costs shall be paid.

Contents of decree.

The decree shall be dated on the day on which it is passed, and signed by the Village Munsiff. When the suit has been heard by a Bench, the decree shall be signed by the members of such Bench concurring therewith. Each party shall be entitled to receive a copy of the decree on application.

45. In suits for money, the Village Court may decree interest on the sum decreed not exceeding 12 per cent per annum from date of suit till date of payment.

Decree may award interest or order payment by instalments.

When a Village Court decrees the payment of a sum of money it may direct that it be paid by instalments, with or without interest at the above rate.

46. The decree shall be executed by the Village Court which passed it or by a Village Court or Munsiff to whom it is sent for execution under the provisions hereinafter contained.

Court by which decree may be executed.

47. If the decree is for any specific movable it may be enforced by the seizure of the property, and its delivery to the decree-holder. If the seizure of the property is not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Decree for specific movable how executed.

48. All money payable under a decree passed by a Village Court shall be paid to the decree-holder or his agent specially authorized in writing, in the presence of the Village Munsiff whose duty it is to execute the decree; but if the decree is otherwise adjusted to the satisfaction of the decree-holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent in the presence of, and attested by, such Village Munsiff.

Payment of money under a decree or other adjustment to be made or recorded in the presence of the Village Munsiff.

Such payment or adjustment shall be endorsed by the Village Munsiff on the decree, and recorded in the register of suits mentioned in section 7.

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognised, unless it has been made or recorded in the manner prescribed by this section or in the Court of the Munsiff.

49. Subject to the provisions of sections 64 and 65, no judgment-debtor shall be arrested and no immovable property attached in execution of a decree of a Village Court.

Judgment-debtor not to be arrested nor immovable property attached.

50. On the application of the decree-holder, the Village Court shall attach any movable property within its jurisdiction belonging to the judgment-debtor pointed out by the decree-holder to the value of the sum payable under the decree: provided that the following properties shall not be liable to such attachment, *viz.*,

Attachment of movable property.

(*a*) the necessary wearing apparel, bed and bedding of the judgment-debtor, his wife and children;

(*b*) tools of artizans and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such;

(*c*) books of account;

(*d*) stipends and gratuities payable to Military and Civil pensioners of Government and political pensions;

(*e*) the salary due to a public officer or to any servant of a Railway Company or local authority;

(*f*) the pay and allowances of persons to whom the Native Articles of War apply;

(*g*) the wages of labourers and domestic servants.

51. If the property is in the possession of the judgment-debtor, it shall be attached by actual seizure and the Village Munsiff shall provide for its safe custody. It may be left in the custody of the judgment-debtor upon sufficient security being given in writing for its production when required. On default, the decree may be executed against the surety to the value of the property not produced.

Attachment when property is in possession of the judgment-debtor.

52. If the property is not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

Attachment when such property not in possession of judgment-debtor.

53. Debts and moneys due to the judgment-debtor shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money and the debtor from making payment thereof, until the further order of the Village Court. Nothing in this section shall be held to authorise a Village Court to attach or sell a debt charged on immovable property.

Debts how attached.

54. When an attachment has been made by actual seizure, or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Private alienation of property after attachment to be void.

55. If any claim is preferred to property attached in execution of a decree, the Village Court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Investigation of claims to attached property.

56. As soon as possible after attachment, the Village Court shall fix a day not less than fifteen days from the date of attachment for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside the Court, and such sale shall be further proclaimed by beat of drum previous thereto.

Sale of attached property.

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case, the Court shall hold the sale proceeds subject to the provisions hereinafter made for payment of moneys attached in execution of decrees

Proviso.

57. On the day fixed for the sale, the property shall be put up for sale by public auction in the presence of the Village Munsiff and sold to the highest bidder. The price shall be paid without delay and in default the property shall again be put to sale.

Procedure in sale.

On payment of the purchase money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree had been passed against him for the same.

58. Any sale advertised under this Regulation may at the discretion of the Court be adjourned to a specified day, public notice thereof being given in the manner prescribed by section 56.

Power to adjourn sale.

59. No Village Munsiff or other officer having any duty to perform in connection with any sale under this Regulation shall, either directly or indirectly, bid for or acquire any property sold at such sale.

Village Munsiff and other officers not to bid for or buy property sold.

60. Every sale of property under this Regulation shall be stopped if, before the lot is knocked down, the amount due under the decree and the cost attending the sale are tendered to the Village Munsiff.

Stoppage of sale on tender of debt and costs.

61. Out of the moneys realised in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

Division of proceeds of sale.

62. When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser.

Property actually seized to be delivered to purchaser.

63. When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

Delivery of property to purchaser in other cases.

Transfer of decree for execution to Munsiff.

64. Any decree passed by a Village Court may, on the application of the decree-holder, be transferred for execution to the Munsiff who may execute the same as if it were a decree passed by himself, or may transfer for execution to the Court of any other village in which the defendant is represented to have movable property. Such Court shall proceed as if the decree was passed by itself.

Munsiff may withdraw execution of any decree.

65. It shall be competent to a Munsiff to withdraw for just and sufficient cause the execution of any decree from any Village Court and to execute it himself; as if it were a decree passed hy himself.

CHAPTER VII.

Miscellaneous.

If on death of party to suit application is made, legal representative of deceased may be entered on record.

66. If a plaintiff or a defendant dies before decree is passed in the suit, the name of his legal representative may be entered in his place on the record on the application of the opposite party or of such legal representative, but no decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for.

If no application made, suit to be dismissed.

67. If no such application is made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

68. If there be more plaintiffs or defendants than one, and any of them dies and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs or against the surviving defendant or defendants.

If decree-holder dies, his legal representative may be substituted.

69. If a decree-holder dies before the decree has been fully executed, his legal representative may apply to the Village Court to substitute his name as the decree-holder in the place of the deceased, and if the Court is satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

If judgment-debtor dies, decree may be executed against his legal representative.

70. If a judgment-debtor dies before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor to the extent of the assets derived from him and not duly accounted for.

Revision by Munsiffs of proceedings of Village Courts.

71. The Munsiff may, on a petition being presented within sixty days from the date of any decree or order of a Village Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground—

of corruption, gross partiality, or misconduct of the Village Court; or

of its having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity; or

that the decree or order is clearly unjust or contrary to law;

and may pass such other decree or order as he thinks fit;

provided that no decree or order of a Village Court shall be set aside without notice to the opposite party.

Pending disposal of any such petition, the Munsiff may stay execution of decree or order.

A petition under this section may be entertained after sixty days by the Munsiff if he is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a Village Court shall be final.

72. Whenever under section 71 the Munsiff sets aside a decree or order he may report the case to the District Judge, and shall report every case in which he sets aside a decree or order on the ground of corruption, gross partiality or misconduct.

Munsiff may and in certain cases shall report to District Judge.

73. The Chief Court may, from time to time, prescribe forms for use in Village Courts and the returns which they shall be bound to submit. The District Judge or Munsiff may at any time call for and inspect the registers and records of Village Courts.

Power of Chief Court to prescribe forms and of District Judge and Munsiff to inspect records.

STATEMENT OF OBJECTS AND REASONS.

Representations have been made to Government from time to time by the members of the Mysore Representative Assembly that people living in the rural tracts are put to considerable trouble and inconvenience in their having to travel long distances for the institution and conduct of petty civil suits before the ordinary Civil Courts of the State. With a view to obviate these inconveniences and to minimise, as far as possible, the heavy expenditure which parties are obliged to incur and which in many cases is found to be quite out of all proportion to the value of the claim involved, the members have suggested the establishment of Village Courts as in the neighbouring British Provinces. The suggestion has commended itself to the Chief Court as tending to the cheap and easy disposal of petty suits. Government agree in this view and consider that the proposal is one worthy of adoption.

2. The Bill is of an enabling character (clause 1) and provides for the establishment of Village Courts in specified areas [Sub-clause (3) of clause 1] to be held before a Village Munsiff (clause 3) who shall be appointed from among the residents of the village by the Deputy Commissioner of the District (clause 4). Provision has also been made for trial by a Bench of three members whenever either of the parties to the suit claims such a trial (clause 6). In such cases the decision of the Court shall follow the opinion of the majority. The Village Courts can take cognizance of certain classes of suits up to a pecuniary limit of Rs. 20 (clause 10) and up to Rs. 200 on the consent in writing of both parties (clause 11). Suits in respect of immovable property and other suits in which important and complicated questions are likely to arise are excluded from the purview of these Courts (clause 10). They are also incompetent to attach or sell immovable property or arrest the person of a judgment-debtor in execution of a decree (clause 49).

The decision of a Village Court is not open to appeal; but powers of revision are vested in the Munsiff (clause 71) to whom also the parties may apply for transfer of the suits in certain cases (clause 19).

The Bill makes suitable provision for the execution of decrees passed by a Village Court.

3. The Bill differs from the Madras Act in the following particulars:—

(1) Under section 9 of the Madras Act, trial by a Bench is allowed only in regard to villages that may be specially notified. The Bill does not impose any such restriction but allows parties before any Village Court to claim trial by a Bench (*vide* clause 6).

The jurisdiction of a Village Munsiff in Madras does not seem to be exclusive but only concurrent with that of the District Munsiff. But considering the main object of the Bill, it is deemed desirable to make e jurisdiction in these cases exclusive, so that in areas where Village urts are established, suits cognizable by those Courts shall not be tuted elsewhere (clause 12).

as Act allows of the attachment of the salary of a public tc., when it exceeds Rs. 20. It is not considered desirable to power to the Village Court in this respect [Sub-clause (*e*) so to clause 50].

and the ay be

A Bill to amend the law relating to Partition in Mysore.

Whereas it is expedient to amend the law relating to Partition; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title, extent and commencement.

1. (1) This Regulation may be called "The Partition Regulation, 19 ".

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

Savings.

But nothing herein contained shall be deemed to affect any law providing for the partition of immovable property paying revenue to Government.

Power to Court to order sale instead of division in partition suits.

2. Whenever in any suit for partition in which, if instituted prior to the commencement of this Regulation, a decree for partition might have been made, it appears to the Court that, by reason of the nature of the property to which the suit relates, or of the number of the shareholders therein, or of any other special circumstance, a division of the property cannot reasonably or conveniently be made, and that a sale of the property and distribution of the proceeds would be more beneficial for all the shareholders, the Court may, if it thinks fit, on the request of any of such shareholders interested individually or collectively to the extent of one moiety or upwards, direct a sale of the property and a distribution of the proceeds.

Procedure when sharer undertakes to buy.

3. (1) If, in any case in which the Court is requested under the last foregoing section to direct a sale, any other shareholder applies for leave to buy at a valuation the share or shares of the party or parties asking for a sale, the Court shall order a valuation of the share or shares in such manner as it may think fit and offer to sell the same to such shareholder at the price so ascertained, and may give all necessary and proper directions in that behalf.

(2) If two or more shareholders severally apply for leave to buy as provided in sub-section (1), the Court shall order a sale of the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

(3) If no such shareholder is willing to buy such share or shares at the price so ascertained, the applicant or applicants shall be liable to pay all costs of or incident to the application or applications.

Partition suit by transferee of share in dwelling house.

4. (1) Where a share of a dwelling house belonging to an undivided family has been transferred to a person who is not a member of such family and such transferee sues for partition, the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit, and direct the sale of such share to such shareholder and may give all necessary and proper directions in that behalf.

(2) If in any case described in sub-section (1) two or more members of the family being such shareholders severally undertake to buy such share, the Court shall follow the procedure prescribed by sub-section (2) of the last foregoing section.

Representation of parties under disability.

5. In any suit for partition, a request for sale may be made, or an undertaking, or application for leave, to buy may be given made on behalf of any party under disability by such person authorised to act on behalf of such party in such suit, but the Court shall not be bound to comply with any such request, undertaking or application, unless it is of opinion that the sale or purchase will be for the benefit of the party under such disability.

Reserved bidding and bidding by shareholders.

6. (1) Every sale under section 2 shall be subject to a reserved bidding, the amount of such bidding shall be fixed by the Court in such manner as it may think fit and may be varied from time to time.

(2) On any such sale, any of the shareholders shall be at liberty to bid at the sale on such terms as to non-payment of deposit or as to setting off or accounting for the purchase money or any part thereof instead of paying the same as to the Court may seem reasonable.

(3) If two or more persons, of whom one is a shareholder in the property, respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the shareholder.

Procedure to be followed in case of sales.

7. Save as hereinbefore provided, when any property is directed to be sold under this Regulation, the procedure prescribed therefor by rules made by the Chief Court in this behalf from time to time shall, as far as practicable, be adopted. Until such rules are made, the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decrees shall be followed.

Orders for sale to be deemed decrees.

8. Any order for sale made by the Court under section 2, 3 or 4 shall be deemed to be a decree within the meaning of section 2 of the Code of Civil Procedure.

Saving of power to order partly partition and partly sale.

9. In any suit for partition, the Court may, if it shall think fit, make a decree for a partition of part of the property to which the suit relates and a sale of the remainder under this Regulation.

Application of Regulation to pending suits.

10. This Regulation shall apply to suits instituted before the commencement thereof, in which no scheme for the partition of the property has been finally approved by the Court.

STATEMENT OF OBJECTS AND REASONS.

The provisions contained in Section 396 of the Code of Civil Procedure regulate the mode of effecting a partition of immovable property not paying revenue to Government, in execution of decrees of Civil Courts. Under these provisions it is incumbent on the Courts to award a share in the property to each one of the sharers though under certain circumstances, to equalise the value of such shares, money compensation can be awarded in addition. It has been represented that a division of the property into as many shares as there are parties entitled to a share is, at times, impracticable and that in the interests of the parties themselves it is desirable that the Court must possess a discretion to sell the property and divide the proceeds. Several such cases have occurred in the City of Mysore. Petty houses where not more than one family can reside have had to be partitioned off and divided among several co-owners, with the result that free access to light and air is shut off and the house is rendered insanitary.

To provide against such evils, Government have thought it desirable to adopt the recommendation of the Select Committee that considered the Civil Procedure Bill and the Bill is the outcome of this decision. It is based on the Partition Act of British India of 1893 and enables (clause 2) the Courts to sell under certain circumstances the properties sought to be partitioned and distribute the proceeds. The sale is to be ordered only when parties interested in at least one-half of the property apply and when the Court is satisfied that it is to the interest of all the parties that the property should be sold.

If any of the co-sharers are reluctant to have the property sold it is open to them [clause 3 (1)] to buy in the shares of the other parties at a valuation to be made by the Court and a similar right is also given [clause 4 (1)] in cases where a stranger to the family, having acquired a share in the family dwelling house, sues for partition. The interests of the parties are further protected by clause 6 (3) which enacts that where at the sale the same bid is offered by several persons, the bid of a co-sharer, if there is one, shall be accepted as the final bid.

Clause 6 (1) requires that an upset price shall be fixed on each property at the sale in order that it might not be sold for inadequate prices.

The provisions of any special law regarding partition of immovable property paying revenue to Government (*vide* section 265, Civil Procedure Code and sections 122 and 123, Mysore Land Revenue Code) are not affected by the Bill.

The Mysore Gazette.

Vol. 46.] **PUBLISHED BY AUTHORITY.** **[No. 22.**

BANGALORE, THURSDAY, JUNE 1, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 3106—Legis. 44-09, dated 13th May 1911.

In exercise of the powers conferred by Section 56 of the Mysore Police Regulation, V of 1908, the Government of His Highness the Maharaja of Mysore are pleased to extend, with effect from the 1st July 1911, the whole of the provisions of the said section to the Cities of Bangalore and Mysore, the area under the control of the Kolar Gold Fields Sanitary Board, all district headquarter towns and all towns which are the headquarters of a taluk or a sub-taluk.

This Notification shall supersede, from the day on which it will take effect, *viz.*, the 1st July 1911, the Government Notifications No. J. 2463—Legis. 34-08-1, dated 23rd February 1909, No. J. 888—Legis. 11-09-2, dated 22nd September 1909, and No. J. 3718—Legis. 21-09-4, dated 11th June 1910.

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

REGULATION No. VII OF 1911.

(Received the assent of His Highness the Maharaja on the 15th day of May 1911.)

A Regulation to provide for the Regulation and Control of Public Conveyances in Mysore.

WHEREAS it is expedient to provide for the regulation and control of Public Conveyances in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent and commencement.

1. (1) This Regulation may be called "The Mysore Public Conveyance Regulation, 1911."

(2) It extends to the whole of Mysore.

(3) It shall come into force at once. But nothing herein contained shall affect any power conferred by any law relating to Municipalities or any rule made in exercise of any such power.

Repeal.

2. The Bangalore City Hackney Carriage Regulation, 1887, is hereby repealed.

Savings.

But all rules made by the Municipal Council of the City of Bangalore under the above Regulation, which may be in force at the time this Regulation comes into force shall, so far as they are not inconsistent with this Regulation, be deemed to have been made under this Regulation.

Definition.

3. In this Regulation.—

"Public Conveyance."

"Public Conveyance" means any vehicle with two or more wheels which is kept or offered or plies for hire of whatever form or construction and whether drawn by men, horses or other animals.

Application of the Regulation to Municipalities.

4. The Government may, by notification in the Official Gazette, apply this Regulation to any Municipality within Mysore.

Power of Municipalities to make rules.

When the Regulation has been so applied to any Municipality, the Municipal Council may, from time to time, make rules for the regulation and control of Public Conveyances within the limits of such Municipality in the manner in which, under the law for the time being in force, it makes bye-laws for the regulation and control of other matters within its limits.

Every rule made under this section shall, when confirmed by the Government and published for such time and in such manner as the Government may from time to time prescribe, have the force of law.

Power to make rules for areas outside Municipalities.

5. The Government may, from time to time, make rules for the regulation and control of Public Conveyances in any area outside the limits of a Municipality and such rules, when published for such time and in such manner as the Government may from time to time prescribe, shall have the force of law.

Power of a Municipal Council to extend the operation of the rules beyond the limits of the Municipality.

6. A Municipal Council making rules under this Regulation may, with the previous sanction of the Government, extend their operation to any railway station or specified part of a road not more than six miles from the local limits of the Municipality.

Matters as to which rules may be made.

7. The rules to be made under Section 4 or Section 5 may, among other matters,—

(*a*) direct that no Public Conveyance, or no Public Conveyance of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf under this Regulation or within the limits of the City of Bangalore, under the Bangalore Hackney Carriage Regulation as in force in the Civil and Military Station, Bangalore;

(*b*) direct that no person shall act as driver of a Public Conveyance except under a license granted in that behalf under this Regulation or within the limits of the City of Bangalore under the Bangalore Hackney Carriage Regulation as in force in the Civil and Military Station, Bangalore;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed conveyances, and the condition in which such conveyances and the animals, harness, and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of premises on which any such conveyances, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such conveyances;

(*h*) determine the times at which, and the circumstances under which, any person keeping a public conveyance shall be bound to let or may refuse to let the conveyance to any person requiring the same;

(*i*) appoint places as stands for public conveyances, and prohibit such conveyances waiting for hire except at such places;

(*j*) limit the rate or fares, as well for time as distance, which may be demanded for the hire of any public conveyance, and prescribe the minimum speed at which such conveyances when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such conveyance;

(*l*) require the owner or person in charge of any such conveyance to keep a printed list of fares in such language as may be prescribed, affixed inside such conveyance in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require the drivers to wear a numbered badge or ticket and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges;

(*n*) provide for the deposit of property found in such conveyances and the payment of a fee by the owner of such property on the delivery thereof to him; and

(*o*) prohibit the employment in Public Conveyances of animals which by reason of disease, infirmity, wound, sore, or other cause are unfit for such employment.

Punishment for breach of rules.

8. (1) Any person breaking any rule made under this Regulation shall be punished with fine which may extend to fifty rupees.

Licenses when subject to revocation or suspension.

(2) A license granted under the rules under Section 7 above shall be subject to revocation or suspension upon the happening of any event prescribed by the rules under which the license is granted and, in the case of a license granted by the Municipal Council of the City of Bangalore, also upon the happening of any event upon which it would be so subject under the law in force in the Civil and Military Station, Bangalore.

Fees and expenses.

9. The amount of any fees received and the amount of any expenses incurred in giving effect to this Regulation shall, in any Municipality, be credited and debited, respectively, to the Municipal Fund and in any other case, to such fund as the Government may, by general or special order, direct.

Decision of disputes between hirer and owner or driver of conveyance.

10. If any dispute arises between the hirer of any public conveyance and the owner or driver of such conveyance as to the amount of the fare payable by such hirer under any rule made under this Regulation, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

The decision of such Magistrate or Bench in any case under this section shall be final.

When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

Driver to take hirer in conveyance to Court of Magistrate.

11. If, at the time any dispute mentioned in Section 10 arises, any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the conveyance, if it is one for the conveyance of passengers, may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section.

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

Penalty for injuring conveyance.

12. If any person using a Public Conveyance under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees and shall also pay to the owner of the Public Conveyance compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate, and to be recovered as a fine.

T. ANANDA ROW,
Dewan.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 23

BANGALORE, THURSDAY, JUNE 8, 1911.

PART III.

Legislative Measures and Rules thereunder.

THE CODE OF CIVIL PROCEDURE.

CONTENTS.

PRELIMINARY.

SECTIONS.

1. Short title, commencement and extent.
2. Definitions.
3. Subordination of Courts.
4. Savings.
5. Application of the Code to Revenue Courts.
6. Pecuniary jurisdiction.
7. Small Cause Courts.

PART I.

SUITS IN GENERAL.

JURISDICTION OF THE COURTS AND *res judicata*

9. Courts to try all civil suits unless barred.
10. Stay of suit.
11. *Res judicata.*
13. When foreign judgment not conclusive.
14. Presumption as to foreign judgments.

PLACE OF SUING.

15. Court in which suits to be instituted.
16. Suits to be instituted where subject-matter situate.
17. Suits for immovable property situate within jurisdiction of different Courts.
18. Place of institution of suit where local limits of jurisdiction of Courts are uncertain.
19. Suits for compensation for wrongs to person or movables.
20. Other suits to be instituted where defendants reside or cause of action arises.

21. Objections to jurisdiction.
22. Power to transfer suits which may be instituted in more than one Court.
23. To what Court application lies.
24. General power of transfer and withdrawal.

INSTITUTION OF SUITS.

26. Institution of suits.

SUMMONS AND DISCOVERY.

27. Summons to defendant.
29. Service of foreign summonses.
30. Power to order discovery and the like.
31. Summons to witness.
32. Penalty for default.

JUDGMENT AND DECREE.

33. Judgment and decree.

INTEREST.

34. Interest.

COSTS.

35. Costs.

PART II.

EXECUTION.

GENERAL.

36. Application to orders.
37. Definition of Court which passed a decree.

COURTS BY WHICH DECREES MAY BE EXECUTED.

38. Court by which decree may be executed.

SECTIONS.

39. Transfer of decree.
41. Result of execution-proceedings to be certified.
42. Powers of Court in executing transferred decree.
43. Decrees of certain Courts to be executed in Mysore.
44. Execution of decrees passed by Courts of other Native States.
46. Precepts.

QUESTIONS TO BE DETERMINED BY COURT EXECUTING DECREE.

47. Questions to be determined by the Court executing decree.

LIMIT OF TIME FOR EXECUTION.

48. Execution barred in certain cases.

TRANSFEREES AND LEGAL REPRESENTATIVES.

49. Transferee.
50. Legal representative.

PROCEDURE IN EXECUTION.

51. Powers of Court to enforce execution.
52. Enforcement of decree against legal representative.
53. Liability of ancestral property.
54. Partition of estate or separation of share.

ARREST AND DETENTION.

55. Arrest and detention.
56. Prohibition of arrest or detention of women in execution of decree for money.
57. Subsistence allowance.
58. Detention and release.
59. Release on ground of illness.

ATTACHMENT.

60. Property liable to attachment and sale in execution of decree.
61. Partial exemption of agricultural produce.
62. Seizure of property in dwelling-house.
63. Property attached in execution of decrees of several Courts.
64. Private alienation of property after attachment to be void.

SALE.

65. Purchaser's title.
66. Suit against purchaser not maintainable on ground of purchase being on behalf of plaintiff.
67. Power for Government to make rules as to sales of land in execution of decrees for payment of money.

DELEGATION TO DEPUTY COMMISSIONER OF POWER TO EXECUTE DECREES AGAINST IMMOVABLE PROPERTY.

68. Power to prescribe rules for transferring to Deputy Commissioner execution of certain decrees.
69. Provisions of third schedule to apply.
70. Rules of procedure.
Jurisdiction of Civil Courts barred.
71. Deputy Commissioner deemed to be acting judicially.
72. Where Court may authorize Deputy Commissioner to stay public sale of land.

DISTRIBUTION OF ASSETS.

73. Proceeds of execution sale to be rateably distributed among decree-holders.

RESISTANCE TO EXECUTION.

74. Resistance to execution.

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

75. Power of Court to issue commissions.
76. Power of Government to make rules regarding commissions for local investigations.
77. Letter of request.
78. Commissions issued by foreign Courts.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY GOVERNMENT OR BY OR AGAINST PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

SECTIONS.
79. Suits by Government.
80. Notice.
81. Exemption from arrest and personal appearance.
82. Execution of decree.

INTERPLEADER.

88. Where interpleader-suit may be instituted.

PART V.

SPECIAL PROCEEDINGS.

ARBITRATION.

89. Arbitration.

SPECIAL CASE.

90. Power to state case for opinion of Court.

SUITS RELATING TO PUBLIC MATTERS.

91. Public nuisances.
92. Public charities.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

94. Supplemental proceedings.
95. Compensation for obtaining arrest, attachment or injunction on insufficient grounds.

PART VII.

APPEALS.

APPEALS FROM ORIGINAL DECREES.

96. Appeal from original decree.
97. Appeal from final decree where no appeal from preliminary decree.
98. Decision where appeal heard by two or more Judges.
99. No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

APPEALS FROM APPELLATE DECREES.

100. Second appeal.
101. Second appeal on no other grounds.
103. Power of the Chief Court to determine issues of fact.

APPEALS FROM ORDERS.

104. Orders from which appeal lies.
105. Other orders.
106. What Courts to hear appeals.

GENERAL PROVISIONS RELATING TO APPEALS.

107. Powers of Appellate Court.
108. Procedure in appeals from appellate decrees and orders.

PART VIII.

REFERENCE, REVIEW AND REVISION.

113. Reference to Chief Court.
114. Review.
115. Revision.

PART X.

RULES.

SECTIONS.

121. Effect of rules in First Schedule.
122. Power of the Chief Court to make rules.
123. Constitution of Rule Committee.
124. Committee to report to the Chief Court.
126. Rules subject to sanction.
127. Publication of rules.
128. Matters for which rules may provide.
130. Power to make rules as to matters other than procedure.
131. Publication of Rules.

PART XI.

MISCELLANEOUS.

132. Exemption of certain women from personal appearance.
133. Exemption of other persons.
134. Arrest other than in execution of decree.
135. Exemption from arrest under civil process.
136. Procedure where person to be arrested or property to be attached is outside district.
137. Language of subordinate Courts.
138. Power for Government to require evidence to be recorded in English.
139. Oath on affidavit by whom to be administered.
141. Miscellaneous proceedings.
142. Orders and notices to be in writing.
143. Postage.
144. Application for restitution.
145. Enforcement of liability of surety.
146. Proceedings by or against representatives.
147. Consent or agreement by persons under disability.
148. Enlargement of time.
149. Power to make up deficiency of Court-fees.
150. Transfer of business.
151. Saving of inherent powers of Court.
152. Amendment of judgments, decrees or orders.
152A. Indemnity of Judges, etc.
153. General power to amend.

154. Saving of present right of appeal.
155. Amendment of certain Acts.
156. Repeals.
157. Continuance of orders under repealed enactments.
158. Reference to Code of Civil Procedure and other repealed enactments.

SCHEDULES.

THE FIRST SCHEDULE.—RULES OF PROCEDURE.
APPENDIX A.—PLEADINGS.
APPENDIX B.—PROCESS.
APPENDIX C.—DISCOVERY, INSPECTION AND ADMISSION.
APPENDIX D.—DECREES.
APPENDIX E.—EXECUTION.
APPENDIX F.—SUPPLEMENTAL PROCEEDINGS.
APPENDIX G.—APPEAL, REFERENCE AND REVIEW.
APPENDIX H.—MISCELLANEOUS.

THE SECOND SCHEDULE.—ARBITRATION.
APPENDIX.—FORMS.

THE THIRD SCHEDULE.—EXECUTION OF DECREES BY DEPUTY COMMISSIONERS.

THE FOURTH SCHEDULE.—ENACTMENTS AMENDED.

THE FIFTH SCHEDULE.—ENACTMENTS REPEALED.

(7) "Government Pleader" includes any officer appointed by the Government to perform all or any of the functions expressly imposed by this Code on the Government Pleader and also any pleader acting under the directions of the Government Pleader:

(8) "Judge" means the presiding officer of a Civil Court:

(9) "judgment" means the statement given by the Judge of the grounds of a decree or order:

(10) "judgment-debtor" means any person against whom a decree has been passed or an order capable of execution has been made:

(11) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased and where a party sues or is sued in a representative character the person on whom the estate devolves on the death of the party so suing or sued:

(12) "mesne profits" of property means those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received therefrom, together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession:

(13) "movable property" includes growing crops:

(13A) "Mysore Military Forces" means and includes the Mysore Imperial Service Cavalry and Transport Corps, the Local Service Troops (*viz.*, the Barr and Silledar Troops) and the Palace Troops:

(14) "order" means the formal expression of any decision of a Civil Court which is not a decree:

(14A) "Palace Troops" means the Body Guard (Cavalry), the Barr Battalion (Infantry), the Golundauz (Artillery), and the English band, attached to the Palace of His Highness the Maharaja of Mysore:

(15) "pleader" means any person enrolled under the law for the time being in force in Mysore relating to Legal Practitioners, and entitled to appear and plead for another in Court:

(16) "prescribed" means prescribed by rules:

(17) "public officer" means a person falling under any of the following descriptions, namely:—

(*a*) every Judge;

(*b*) every commissioned or gazetted officer in the Mysore Military Forces;

(*c*) every officer of a Court of Justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret or to preserve order, in the Court, and every person especially authorized by a Court of Justice to perform any of such duties;

(*d*) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

REGULATION No. III OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of May 1911.)

THE CODE OF CIVIL PROCEDURE.

A Regulation to consolidate and amend the laws relating to the Procedure of the Courts of Civil Judicature.

WHEREAS it is expedient to consolidate and amend the laws relating to the procedure of the Courts of Civil Judicature; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

Short title, commencement and extent.

1. (1) This Regulation may be cited as the "Code of Civil Procedure, 1911."

(2) It shall come into force on the first day of July 1911.

(3) It shall extend to the whole of Mysore.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "Code" includes rules:

(2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within section 47 or section 144, but shall not include—

(*a*) any adjudication from which an appeal lies as an appeal from an order, or

(*b*) any order of dismissal for default.

Explanation.—A decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final:

(3) "decree-holder" means any person in whose favour a decree has been passed or an order capable of execution has been made:

(4) "district" means the local limits of the jurisdiction of a Principal Civil Court of original jurisdiction (hereinafter called a "District Court"):

(5) "foreign Court" means a Court not established or continued by the Government of Mysore:

(6) "foreign judgment" means the judgment of a foreign Court:

(*e*) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(*f*) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue process, or to investigate, or to report on, any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government; and

(*g*) every officer in the service or pay of the Government, or remunerated by fees or commission for the performance of any public duty:

(18) "rules" means rules and forms contained in the First Schedule or made under section 122:

(19) "share in a corporation" shall be deemed to include stock, debenture stock, debentures or bonds: and

(20) "signed" save in the case of a judgment or decree, includes stamped.

Subordination of Courts.

3. For the purposes of this Code, every District Court is subordinate to the Chief Court, and every Civil Court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the Chief Court and the District Court.

Savings.

4. In the absence of any specific provision to the contrary, nothing in this Code shall be deemed to limit or otherwise affect any special or local law now in force or any special jurisdiction or power conferred, or any special form of procedure prescribed, by or under any other law for the time being in force.

Application of the Code to Revenue Courts.

5. (1) Where any Revenue Courts are governed by the provisions of this Code in those matters of procedure upon which any special enactment applicable to them is silent, the Government may, by notification in the official Gazette, declare that any portions of those provisions which are not expressly made applicable by this Code shall not apply to those Courts, or shall only apply to them with such modifications as the Government may prescribe.

(2) "Revenue Court" in sub-section (1) means a Court having jurisdiction under any law to entertain suits or other proceedings relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits or proceedings as being suits or proceedings of a civil nature.

Pecuniary jurisdiction.

6. Save in so far as is otherwise expressly provided, nothing herein contained shall operate to give any Court jurisdiction over suits the amount or value of the subject-matter of which exceeds the pecuniary limits (if any) of its ordinary jurisdiction.

Small Cause Courts.

7. The following provisions shall not extend to Courts of Small Causes constituted under any law for the time being in force in Mysore or to Courts exercising the jurisdiction of a Court of Small Causes, that is to say,—

(*a*) so much of the body of the Code as relates to—
  (*i*) suits excepted from the cognizance of a Court of Small Causes;
  (*ii*) the execution of decrees in such suits;
  (*iii*) the execution of decrees against immovable property; and
(*b*) the following sections, that is to say,—
  section 9,
  sections 91 and 92,
  sections 94 and 95 so far as they relate to injunctions and interlocutory orders, and sections 96 to 108 and 115.

PART I.

SUITS IN GENERAL.

JURISDICTION OF THE COURTS AND *res judicata*.

Courts to try all civil suits unless barred.

9. The Courts shall (subject to the provisions hereinafter contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred by any enactment for the time being in force.

Explanation.—A suit in which the right to property or to an office is contested is a suit of a civil nature, notwithstanding that such right may depend entirely on the decision of questions as to religious rites or ceremonies.

Stay of suit.

10. No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title where such suit is pending in the same or any other Court in Mysore having jurisdiction to grant the relief claimed.

Explanation.—The pendency of a suit in a foreign Court does not preclude the Courts in Mysore from trying a suit founded on the same cause of action.

Res judicata.

11. No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.

Explanation I.—The expression "former suit" shall denote a suit which has been decided prior to the suit in question whether or not it was instituted prior thereto.

Explanation II.—For the purposes of this section, the competence of a Court shall be determined irrespective of any provisions as to a right of appeal from the decision of such Court.

Explanation III.—The matter above referred to must in the former suit have been alleged by one party and either denied or admitted, expressly or impliedly, by the other.

Explanation IV.—Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.

Explanation V.—Any relief claimed in the plaint, which is not expressly granted by the decree, shall, for the purposes of this section, be deemed to have been refused.

Explanation VI.—Where persons litigate *bona fide* in respect of a public right or of a private right claimed in common for themselves and others, all persons interested in such right shall, for the purposes of this section, be deemed to claim under the persons so litigating.

When foreign judgment not conclusive.

13. A foreign judgment shall be conclusive as to any matter thereby directly adjudicated upon between the same parties or between parties under whom they or any of them claim litigating under the same title except—

(*a*) where it has not been pronounced by a Court of competent jurisdiction;

(*b*) where it has not been given on the merits of the case;

(*c*) where it appears on the face of the proceedings to be founded on an incorrect view of international law or a refusal to recognise the law of Mysore in cases in which such law is applicable;

(*d*) where the proceedings in which the judgment was obtained are opposed to natural justice;

(*e*) where it has been obtained by fraud;

(*f*) where it sustains a claim founded on a breach of any law in force in Mysore.

Presumption as to foreign judgments.

14. The Court shall presume, upon the production of any document purporting to be a certified copy of a foreign judgment, that such judgment was pronounced by a Court of competent jurisdiction, unless the contrary appears on the record; but such presumption may be displaced by proving want of jurisdiction.

PLACE OF SUING.

Court in which suits to be instituted.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Suits to be instituted where subject-matter situate.

16. Subject to the pecuniary or other limitations prescribed by any law, suits—

(*a*) for the recovery of immovable property with or without rent or profits,

(*b*) for the partition of immovable property,

(*c*) for foreclosure, sale or redemption in the case of a mortgage of or charge upon immovable property,

(*d*) for the determination of any other right to or interest in immovable property,

(*e*) for compensation for wrong to immovable property,

(*f*) for the recovery of movable property actually under distraint or attachment,

shall be instituted in the Court within the local limits of whose jurisdiction the property is situate:

Provided that a suit to obtain relief respecting, or compensation for wrong to, immovable property held by or on behalf of the defendant may, where the relief sought can be entirely obtained through his personal obedience, be instituted either in the Court within the local limits of whose jurisdiction the property is situate, or in the Court within the local limits of whose jurisdiction the defendant actually and voluntarily resides, or carries on business, or personally works for gain.

Explanation.—In this section "property" means property situate in Mysore.

Suits for immovable property situate within jurisdiction of different Courts.

17. Where a suit is to obtain relief respecting, or compensation for wrong to, immovable property situate within the jurisdiction of different Courts, the suit may be instituted in any Court within the local limits of whose jurisdiction any portion of the property is situate:

Provided that, in respect of the value of the subject-matter of the suit, the entire claim is cognizable by such Court.

Place of institution of suit where local limits of jurisdiction of Courts are uncertain.

18. (1) Where it is alleged to be uncertain within the local limits of the jurisdiction of which of two or more Courts any immovable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction:

Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

(2) Where a statement has not been recorded under sub-section (1), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection unless in its opinion there was, at the time of the institution of the suit, no reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto and there has been a consequent failure of justice.

Suits for compensation for wrongs to person or movables.

19. Where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business, or personally works for gain, within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts.

Illustrations.

(*a*) A, residing in Delhi, beats B in Calcutta. B may sue A either in Calcutta or in Delhi.

(*b*) A, residing in Delhi, publishes in Calcutta statements defamatory of B. B may sue A either in Calcutta or in Delhi.

Other suits to be instituted where defendants reside or cause of action arises.

20. Subject to the limitations aforesaid, every suit shall be instituted in a Court within the local limits of whose jurisdiction—

(*a*) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or

(*b*) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or

(*c*) the cause of action, wholly or in part, arises.

Explanation I.—Where a person has a permanent dwelling at one place and also a temporary residence at another place, he shall be deemed to reside at both places in respect of any cause of action arising at the place where he has such temporary residence.

Explanation II.—A corporation shall be deemed to carry on business at its sole or principal office in Mysore or, in respect of any cause of action arising at any place where it has also a subordinate office, at such place.

Illustrations.

(*a*) A is a tradesman in Calcutta. B carries on business in Delhi. B, by his agent in Calcutta, buys goods of A and requests A to deliver them to the East Indian Railway Company. A delivers the goods accordingly in Calcutta. A may sue B for the price of the goods either in Calcutta, where the cause of action has arisen, or in Delhi, where B carries on business.

(*b*) A resides at Simla, B at Calcutta and C at Delhi. A, B and C being together at Benares, B and C make a joint promissory note payable on demand, and deliver it to A. A may sue B and C at Benares, where the cause of action arose. He may also sue them at Calcutta, where B resides, or at Delhi, where C resides; but in each of these cases, if the non-resident defendant objects, the suit cannot proceed without the leave of the Court.

Objections to jurisdiction.

21. No objection as to the place of suing shall be allowed by any appellate or revisional Court unless such objection was taken in the Court of first instance at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, and unless there has been a consequent failure of justice.

Power to transfer suits which may be instituted in more than one Court.

22. Where a suit may be instituted in any one of two or more Courts and is instituted in one of such Courts, any defendant, after notice to the other parties may, at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, apply to have the suit transferred to another Court, and the Court to which such application is made, after considering the objections of the other parties (if any), shall determine in which of the several Courts having jurisdiction the suit shall proceed.

To what Court application lies.

23. (1) Where the several Courts having jurisdiction are subordinate to the same Appellate Court, an application under Section 22 shall be made to the Appellate Court.

(2) Where such Courts are subordinate to different Appellate Courts, the application shall be made to the Chief Court.

General power of transfer and withdrawal.

24. (1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the Chief Court or the District Court may at any stage—

(*a*) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(*b*) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and

(*i*) try or dispose of the same; or,

(*ii*) transfer the same for trial or disposal to any Court subordinate to it and competent to try or dispose of the same; or

(*iii*) retransfer the same for trial or disposal to the Court from which it was withdrawn.

(2) Where any suit or proceeding has been transferred or withdrawn under sub-section (1), the Court which thereafter tries such suit may, subject to any special directions in the case of an order of transfer, either retry it or proceed from the point at which it was transferred or withdrawn.

(3) The Court trying any suit transferred or withdrawn under this section from a Court of Small Causes shall, for the purposes of such suit, be deemed to be a Court of Small Causes.

INSTITUTION OF SUITS.

Institution of suits.

26. Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed.

SUMMONS AND DISCOVERY.

Summons to defendant.

27. Where a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and may be served in manner prescribed.

Service of foreign summonses.

29. Summonses issued by any Civil or Revenue Court situate beyond the limits of Mysore may be sent to the Courts in Mysore and served as if they had been issued by such Courts. Provided that the Government has, by notification in the official Gazette, declared the provisions of this section to apply to such Courts.

Power to order discovery and the like.

30. Subject to such conditions and limitations as may be prescribed, the Court may, at any time, either of its own motion or on the application of any party,—

(*a*) make such orders as may be necessary or reasonable in all matters relating to the delivery and answering of interrogatories, the admission of documents and facts, and the discovery, inspection, production, impounding and return of documents or other material objects producible as evidence;

(*b*) issue summonses to persons whose attendance is required either to give evidence or to produce documents or such other objects as aforesaid;

(*c*) order any fact to be proved by affidavit.

Summons to witness.

31. The provisions in sections 27 and 29 shall apply to summonses to give evidence or to produce documents or other material objects.

Penalty for default.

32. The Court may compel the attendance of any person to whom a summons has been issued under Section 30 and for that purpose may—

(*a*) issue a warrant for his arrest;

(*b*) attach and sell his property;

(*c*) impose a fine upon him not exceeding five hundred rupees;

(*d*) order him to furnish security for his appearance and in default commit him to the civil prison.

JUDGMENT AND DECREE.

Judgment and decree.

33. The Court, after the case has been heard, shall pronounce judgment, and on such judgment a decree shall follow.

INTEREST.

Interest.

34. (1) Where and in so far as a decree is for the payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit to the date of the decree, in addition to any interest adjudged on such principal sum for any period prior to the institution of the suit, with further interest at such rate as the Court deems reasonable on the aggregate sum so adjudged, from the date of the decree to the date of payment, or to such earlier date as the Court thinks fit.

(2) Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie.

COSTS.

Costs.

35. (1) Subject to such conditions and limitations as may be prescribed, and to the provisions of any law for the time being in force, the costs of and incident to all suits shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid. The fact that the Court has no jurisdiction to try the suit shall be no bar to the exercise of such powers.

(2) Where the Court directs that any costs shall not follow the event, the Court shall state its reasons in writing.

(3) The Court may give interest on costs at any rate not exceeding six per cent per annum, and such interest shall be added to the costs and shall be recoverable as such.

PART II.

EXECUTION.

GENERAL.

Application to orders.

36. The provisions of this Code relating to the execution of decrees shall, so far as they are applicable, be deemed to apply to the execution of orders.

Definition of "Court which passed a decree."

37. The expression "Court which passed a decree," or words to that effect, shall, in relation to the execution of decrees, unless there is anything repugnant in the subject or context, be deemed to include,—

(*a*) where the decree to be executed has been passed in the exercise of appellate jurisdiction, the Court of first instance, and

(*b*) where the Court of first instance has ceased to exist or to have jurisdiction to execute it, the Court which, if the suit wherein the decree was passed was instituted at the time of making the application for the execution of the decree, would have jurisdiction to try such suit.

COURTS BY WHICH DECREES MAY BE EXECUTED.

Court by which decree may be executed.

38. A decree may be executed either by the Court which passed it, or by the Court to which it is sent for execution.

Transfer of decree.

39. (1) The Court which passed a decree may, on the application of the decree-holder, send it for execution to another Court,—

(*a*) if the person against whom the decree is passed actually and voluntarily resides or carries on business, or personally works for gain, within the local limits of the jurisdiction of such other Court, or

(*b*) if such person has not property within the local limits of the jurisdiction of the Court which passed the decree sufficient to satisfy such decree and has property within the local limits of the jurisdiction of such other Court, or

(*c*) if the decree directs the sale or delivery of immovable property situate outside the local limits of the jurisdiction of the Court which passed it, or

(*d*) if the Court which passed the decree considers for any other reason, which it shall record in writing, that the decree should be executed by such other Court.

(2) The Court which passed a decree may of its own motion send it for execution to any subordinate Court of competent jurisdiction.

Result of execution proceedings to be certified.

41. The Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution, or where the former Court fails to execute the same the circumstances attending such failure.

Powers of Court in executing transferred decree.

42. The Court executing a decree sent to it shall have the same powers in executing such decree as if it had been passed by itself. All persons disobeying or obstructing the execution of the decree shall be punishable by such Court in the same manner as if it had passed the decree. And its order in executing such decree shall be subject to the same rules in respect of appeal as if the decree had been passed by itself.

Decrees of certain Courts to be executed in Mysore.

43. A decree of any Civil or Revenue Court in British India or of any Civil or Revenue Court established by the Governor-General of India in Council in Mysore or in the territories of any foreign Prince or State which cannot be executed within the jurisdiction of the Court by which it was passed, may be executed in manner herein provided within the jurisdiction of any Civil Court or of any Revenue Court specially directed by Government in this behalf in Mysore.

Explanation.—An order of the Collector of the Civil and Military Station of Bangalore under sub-section (1) of section 30 of the Indian Income Tax Act, II of 1886, as applied to the Civil and Military Station of Bangalore by the Governor-General of India in Council, shall be deemed to be a decree of a Civil Court such as is mentioned in this section.

Execution of decrees passed by Courts of other Native States.

44. The Government may, by notification in the official Gazette, declare that the decrees of any Civil or Revenue Courts situate in the territories of any Native Prince or State in alliance with His Majesty and not established or continued by the authority of the Governor-General in Council, or any class of such decrees, may be executed in Mysore as if they had been passed by the Courts in Mysore.

Precepts.

46. (1) Upon the application of the decree-holder the Court which passed the decree may, whenever it thinks fit, issue a precept to any other Court which would be competent to execute such decree to attach any property belonging to the judgment-debtor and specified in the precept.

(2) The Court to which a precept is sent shall proceed to attach the property in the manner prescribed in regard to the attachment of property in execution of a decree:

Provided that no attachment under a precept shall continue for more than two months unless the period of attachment is extended by an order of the Court which passed the decree or unless before the determination of such attachment the decree has been transferred to the Court by which the attachment has been made and the decree-holder has applied for an order for the sale of such property.

QUESTIONS TO BE DETERMINED BY COURT EXECUTING DECREE.

Questions to be determined by the Court executing decree.

47. (1) All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the Court executing the decree and not by a separate suit.

(2) The Court may, subject to any objection as to limitation or jurisdiction, treat a proceeding under this section as a suit or a suit as a proceeding and may, if necessary, order payment of any additional Court-fees.

(3) Where a question arises as to whether any person is or is not the representative of a party, such question shall, for the purposes of this section, be determined by the Court.

Explanation.—For the purposes of this section, a plaintiff whose suit has been dismissed and a defendant against whom a suit has been dismissed, are parties to the suit.

LIMIT OF TIME FOR EXECUTION.

Execution barred in certain cases.

48. (1) Where an application to execute a decree not being a decree granting an injunction has been made, no order for the execution of the same decree shall be made upon any fresh application presented after the expiration of twelve years from—

(*a*) the date of the decree sought to be executed, or,

(*b*) where the decree or any subsequent order directs any payment of money or the delivery of any property to be made at a certain date or at recurring periods, the date of the default in making the payment or delivery in respect of which the applicant seeks to execute the decree.

(2) Nothing in this section shall be deemed to preclude the Court from ordering the execution of a decree upon an application presented after the expiration of the said term of twelve years, where the judgment-debtor has, by fraud or force, prevented the execution of the decree at some time within twelve years immediately before the date of the application.

(3) The provisions of sections 6, 7 and 8 of the Mysore Limitation Regulation shall, as far as they are applicable, extend to a person entitled to make an application for execution of a decree under this section, where such person is, at the time from which the period of limitation is to be reckoned, a minor, or insane or an idiot; provided that this shall not empower a Court to make an order for the execution of a decree where at the date of the coming into force of this enactment it could not make such an order.

TRANSFEREES AND LEGAL REPRESENTATIVES.

Transferee.

49. Every transferee of a decree shall hold the same subject to the equities (if any) which the judgment-debtor might have enforced against the original decree-holder.

Legal representative.

50. (1) Where a judgment-debtor dies before the decree has been fully satisfied, the holder of the decree may apply to the Court which passed it to execute the same against the legal representative of the deceased.

(2) Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of; and, for the purpose of ascertaining such liability, the Court executing the decree may, of its own motion or on the application of the decree-holder, compel such legal representative to produce such accounts as it thinks fit.

PROCEDURE IN EXECUTION.

Powers of Court to enforce execution.

51. Subject to such conditions and limitations as may be prescribed, the Court may, on the application of the decree-holder, order execution of the decree—

(*a*) by delivery of any property specifically decreed;

(*b*) by attachment and sale or by sale without attachment of any property;

(*c*) by arrest and detention in prison;

(*d*) by appointing a receiver; or

(*e*) in such other manner as the nature of the relief granted may require.

Enforcement of decree against legal representative.

52. (1) Where a decree is passed against a party as the legal representative of a deceased person, and the decree is for the payment of money out of the property of the deceased, it may be executed by the attachment and sale of any such property.

(2) Where no such property remains in the possession of the judgment-debtor and he fails to satisfy the Court that he has duly applied such property of the deceased as is proved to have come into his possession, the decree may be executed against the judgment-debtor to the extent of the property in respect of which he has failed so to satisfy the Court in the same manner as if the decree had been against him personally.

Liability of ancestral property.

53. For the purposes of section 50 and section 52, property in the hands of a son or other descendant which is liable under Hindu Law for the payment of the debt of a deceased ancestor, in respect of which a decree has been passed, shall be deemed to be property of the deceased which has come to the hands of the son or other descendant as his legal representative.

Partition of estate or separation of share.

54. Where the decree is for the partition of an undivided estate assessed to the payment of revenue to the Government, or for the separate possession of a share of such an estate, the partition of the estate or the separation of the share shall be made by the Deputy Commissioner or any revenue officer not below the rank of a Deputy Amildar deputed by him in this behalf, in accordance with the law (if any) for the time being in force relating to the partition, or the separate possession of shares, of such estates.

ARREST AND DETENTION.

Arrest and detention.

55. (1) A judgment-debtor may be arrested in execution of a decree at any hour and on any day, and shall, as soon as practicable, be brought before the Court, and his detention may be in the civil prison of the district in which the Court ordering the detention is situate, or, where such civil prison does not afford suitable accommodation, in any other place which the Government may appoint for the detention of persons ordered by the Courts of such district to be detained:

Provided, firstly, that, for the purpose of making an arrest under this section, no dwelling-house shall be entered after sunset and before sunrise:

Provided, secondly, that no outer door of a dwelling-house shall be broken open unless such dwelling-house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access thereto, but when the officer authorized to make the arrest has duly gained access to any dwelling-house, he may break open the door of any room in which he has reason to believe the judgment-debtor is to be found:

Provided, thirdly, that, if the room is in the actual occupancy of a woman who is not the judgment-debtor and who, according to the customs of the country, does not appear in public, the officer authorized to make the arrest shall give notice to her that she is at liberty to withdraw, and, after allowing a reasonable time for her to withdraw and giving her reasonable facility for withdrawing, may enter the room for the purpose of making the arrest:

Provided, fourthly, that, where the decree in execution of which a judgment-debtor is arrested, is a decree for the payment of money and the judgment-debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him:

Provided, fifthly, that no person who belongs to the Mysore Military Forces shall, so long as he belongs to such Force, be liable to be arrested for debt under any process issued by the authority of any Court of law.

(2) The Government may, by notification in the official Gazette, declare that any person or class of persons,

whose arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree otherwise than in accordance with such procedure as may be prescribed by the Government in this behalf.

(3) Where a judgment-debtor is arrested in execution of a decree for the payment of money and brought before the Court, the Court shall inform him that he may apply to be declared an insolvent, and that he will be discharged if he has not committed any act of bad faith regarding the subject of the application and if he complies with the provisions of the law of insolvency for the time being in force.

(4) Where a judgment-debtor expresses his intention to apply to be declared an insolvent and furnishes security, to the satisfaction of the Court, that he will within one month so apply, and that he will appear, when called upon, in any proceeding upon the application or upon the decree in execution of which he was arrested, the Court shall release him from arrest, and, if he fails so to apply and to appear, the Court may either direct the security to be realized or commit him to the civil prison in execution of the decree.

Prohibition of arrest or detention of women in execution of decree for money.

56. Notwithstanding anything in this part, the Court shall not order the arrest or detention in the civil prison of a woman in execution of a decree for the payment of money.

Subsistence allowance.

57. The Government may fix scales, graduated according to rank, race and nationality, of monthly allowances payable for the subsistence of judgment-debtors.

Detention and release.

58. (1) Every person detained in the civil prison in execution of a decree shall be so detained,—

(*a*) where the decree is for the payment of a sum of money not exceeding fifty rupees, for a period of six weeks and,

(*b*) in any other case, for a period of six months:

Provided that he shall be released from such detention before the expiration of the said period of six weeks or six months, as the case may be,—

(i) on the amount mentioned in the warrant for his detention being paid to the officer in charge of the civil prison, or

(ii) on the decree against him being otherwise fully satisfied, or

(iii) on the request of the person on whose application he has been so detained, or

(iv) on the omission by the person, on whose application he has been so detained, to pay subsistence allowance:

Provided, also, that he shall not be released from such detention under clause (ii) or clause (iii), without the order of the Court.

(2) A judgment-debtor released from detention under this section shall not merely by reason of his release be discharged from his debt, but he shall not be liable to be re-arrested under the decree in execution of which he was detained in the civil prison.

Release on ground of illness.

59. (1) At any time after a warrant for the arrest of a judgment-debtor has been issued, the Court may cancel it on the ground of his serious illness.

(2) Where a judgment-debtor has been arrested, the Court may release him if, in its opinion, he is not in a fit state of health to be detained in the civil prison.

(3) Where a judgment-debtor has been committed to the civil prison, he may be released therefrom—

(*a*) by the Government, on the ground of the existence of any infectious or contagious disease, or

(*b*) by the Committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

(4) A judgment-debtor released under this section may be re-arrested, but the period of his detention in the civil prison shall not in the aggregate exceed that prescribed by section 58.

ATTACHMENT.

Property liable to attachment and sale in execution of decree.

60. (1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses, or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation and, save as hereinafter mentioned, all other saleable property, movable or immovable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale, namely:—

(*a*) the necessary wearing-apparel, cooking vessels, beds and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section;

(*c*) houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him;

(*d*) books of account;

(*e*) a mere right to sue for damages;

(*f*) any right of personal service;

(*g*) stipends and gratuities allowed to pensioners of the Government, or payable out of any service family pension fund notified in the official Gazette by Government in this behalf, and political pensions;

(*h*) allowances (being less than salary) of any public officer or of any servant of a Railway Company or local authority while absent from duty;

(*i*) the salary or allowances equal to salary of any such public officer or servant as is referred to in clause (*h*), while on duty, to the extent of—

(i) the whole of the salary, where the salary does not exceed twenty rupees monthly;

(ii) twenty rupees monthly, where the salary exceeds twenty rupees and does not exceed forty rupees monthly; and

(iii) one moiety of the salary in any other case;

(*j*) the pay and allowances of persons to whom the Indian Articles of War apply, and of those belonging to the Mysore Military Forces;

(*k*) the wages of labourers and domestic servants whether payable in money or in kind;

(*l*) an expectancy of succession by survivorship or other merely contingent or possible right or interest;

(*m*) a right to future maintenance;

(*n*) any allowance declared by any law passed by the Government of Mysore, to be exempt from liability to attachment or sale in execution of a decree;

(*o*) the arms, horse, clothes, equipments, regimental accoutrements and necessaries of the members of the Mysore Military Forces;

(*p*) where the decree relates to a debt due or contracted by an officer who has insured his life under the rules in force relating to the Mysore State Life Insurance, any bonus payable or paid thereunder to such officer or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules;

(*q*) any amount payable by the Military Department to the members of the Mysore Military Forces out of a Retiring Fund; and

(*r*) all inam lands granted to religious and charitable institutions and for the maintenance of persons rendering service therein.

Explanation.—The particulars mentioned in clauses (*g*), (*h*), (*i*), (*j*), (*k*), (*n*), and (*q*) are exempt from attachment or sale whether before or after they are actually payable.

(2) Nothing in this section shall be deemed—

(*a*) to exempt houses and other buildings (with the materials and the sites thereof and the lands immediately appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of decrees for rent of any such house, building, site or land, or in execution of decrees for enforcing a mortgage or charge in respect of such house, building, site or land, or

(*b*) to affect the provisions of the Army Act, or of any similar law for the time being in force.

Partial exemption of agricultural produce.

61. The Government may, by general or special order published in the official Gazette, declare that such portion of agricultural produce, or of any class of agricultural produce, as may appear to the Government to be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment-debtor and his family shall, in

the case of all agriculturists or of any class of agriculturists, be exempted from liability to attachment or sale in execution of a decree.

Seizure of property in dwelling-house.

62. (1) No person executing any process under this Code directing or authorizing seizure of movable property shall enter any dwelling-house after sunset and before sunrise.

(2) No outer-door of a dwelling-house shall be broken open unless such dwelling-house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access thereto, but when the person executing any such process has duly gained access to any dwelling-house, he may break open the door of any room in which he has reason to believe any such property to be.

(3) Where a room in a dwelling-house is in the actual occupancy of a woman who, according to the customs of the country, does not appear in public, the person executing the process shall give notice to such woman that she is at liberty to withdraw; and, after allowing reasonable time for her to withdraw and giving her reasonable facility for withdrawing, he may enter such room for the purpose of seizing the property, using at the same time every precaution, consistent with these provisions, to prevent its clandestine removal.

Property attached in execution of decrees of several Courts.

63. (1) Where property not in the custody of any Court is under attachment in execution of decrees of more Courts than one, the Court which shall receive or realize such property and shall determine any claims thereto and any objection to the attachment thereof shall be the Court of highest grade, or, where there is no difference in grade between such Courts, the Court under whose decree the property was first attached.

(2) Nothing in this section shall be deemed to invalidate any proceeding taken by a Court executing one of such decrees.

Private alienation of property after attachment to be void.

64. Where an attachment has been made, any private transfer or delivery of the property attached or of any interest therein and any payment to the judgment-debtor of any debt, dividend or other moneys contrary to such attachment shall be void as against all claims enforceable under the attachment.

Explanation.—For the purposes of this section, claims enforceable under an attachment include claims for the rateable distribution of assets.

SALE.

Purchaser's title.

65. Where immovable property is sold in execution of a decree and such sale has become absolute, the property shall be deemed to have vested in the purchaser from the time when the property is sold and not from the time when the sale becomes absolute.

Suit against purchaser not maintainable on ground of purchase being on behalf of plaintiff.

66. (1) No suit shall be maintained against any person claiming title under a purchase certified by the Court in such manner as may be prescribed on the ground that the purchase was made on behalf of the plaintiff or on behalf of some one through whom the plaintiff claims.

(2) Nothing in this section shall bar a suit to obtain a declaration that the name of any purchaser certified as aforesaid was inserted in the certificate fraudulently or

without the consent of the real purchaser, or interfere with the right of a third person to proceed against that property, though ostensibly sold to the certified purchaser, on the ground that it is liable to satisfy a claim of such third person against the real owner.

Power for Government to make rules as to sales of land in execution of decrees for payment of money.

67. The Government may, by notification in the official Gazette, make rules for any local area imposing conditions in respect of the sale of any class of interests in land in execution of decrees for the payment of money, where such interests are so uncertain or undetermined as, in the opinion of the Government, to make it impossible to fix their value.

DELEGATION TO DEPUTY COMMISSIONER OF POWER TO EXECUTE DECREES AGAINST IMMOVABLE PROPERTY.

Power to prescribe rules for transferring to Deputy Commissioner execution of certain decrees.

68. The Government may declare, by notification in the official Gazette, that in any local area the execution of decrees in cases in which a Court has ordered any immovable property to be sold, or the execution of any particular kind of such decrees, or the execution of decrees ordering the sale of any particular kind of, or interest in, immovable property, shall be transferred to the Deputy Commissioner.

Provisions of Third Schedule to apply.

69. The provisions set forth in the Third Schedule shall apply to all cases in which the execution of a decree has been transferred under the last preceding section.

Rules of procedure.

70. (1) The Government may make rules consistent with the aforesaid provisions—

(*a*) for the transmission of the decree from the Court to the Deputy Commissioner, and for regulating the procedure of the Deputy Commissioner and his subordinates in executing the same, and for retransmitting the decree from the Deputy Commissioner to the Court;

(*b*) conferring upon the Deputy Commissioner, or any revenue officer not below the rank of a Deputy Amildar, all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Deputy Commissioner;

(*c*) providing for orders made by the Deputy Commissioner or other revenue officer, or orders made on appeal with respect to such orders, being subject to appeal to, and revision by, superior revenue authorities as nearly as may be as the orders made by the Court, or orders made on appeal with respect to such orders, would be subject to appeal to, and revision by, appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Deputy Commissioner.

Jurisdiction of Civil Courts barred.

(2) A power conferred by rules made under subsection (1) upon the Deputy Commissioner or other revenue officer, or upon any appellate or revisional authority, shall not be exerciseable by the Court, or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

Deputy Commissioner deemed to be acting judicially.

71. In executing a decree transferred to the Deputy Commissioner under section 68, the Deputy Commissioner and his subordinates shall be deemed to be acting judicially.

Where Court may authorize Deputy Commissioner to stay public sale of land.

72. (1) Where in any local area in which no declaration under section 68 is in force the property attached consists of land or of a share in land, and the Deputy Commissioner represents to the Court that the public sale of the land or share is objectionable and that satisfaction of the decree may be made within a reasonable period by a temporary alienation of the land or share, the Court may authorize the Deputy Commissioner to provide for such satisfaction in the manner recommended by him instead of proceeding to a sale of the land or share.

(2) In every such case the provisions of sections 69 to 71 and of any rules made in pursuance thereof shall apply so far as they are applicable.

DISTRIBUTION OF ASSETS.

Proceeds of execution sale to be rateably distributed among decree-holders.

73. (1) Where assets are held by a Court and more persons than one have, before the receipt of such assets, made application to the Court for the execution of decrees for the payment of money passed against the same judgment-debtor and have not obtained satisfaction thereof, the assets, after deducting the costs of realization, shall be rateably distributed among all such persons:

Provided as follows:—

(*a*) Where any property is sold subject to a mortgage or charge, the mortgagee or incumbrancer as such shall not be entitled to share in any surplus arising from such sale;

(*b*) where any property liable to be sold in execution of a decree is subject to a mortgage or charge, the Court may, with the consent of the mortgagee or incumbrancer, order that the property be sold free from the mortgage or charge, giving to the mortgagee or incumbrancer the same interest in the proceeds of the sale as he had in the property sold;

(*c*) where any immovable property is sold in execution of a decree ordering its sale for the discharge of an incumbrance thereon, the proceeds of sale shall be applied—

first, in defraying the expenses of the sale;

secondly, in discharging the amount due under the decree;

thirdly, in discharging the interest and principal moneys due on subsequent incumbrances (if any); and,

fourthly, rateably among the holders of decrees for the payment of money against the judgment-debtor, who have, prior to the sale of the property, applied to the Court which passed the decree ordering such sale for execution of such decrees, and have not obtained satisfaction thereof.

(2) Where all or any of the assets liable to be rateably distributed under this section are paid to a person not entitled to receive the same, any person so entitled may sue such person to compel him to refund the assets.

(3) Nothing in this section affects any right of the Government.

RESISTANCE TO EXECUTION.

Resistance to execution.

74. Where the Court is satisfied that the holder of a decree for the possession of immovable property or that the purchaser of immovable property sold in execution of a decree has been resisted or obstructed in obtaining possession of the property by the judgment-debtor or some person on his behalf and that such resistance or obstruction was without any just cause, the Court may, at the instance of the decree-holder or purchaser, order the judgment-debtor or such other person to be detained in the civil prison for a term which may extend to thirty days and may further direct that the decree-holder or purchaser be put into possession of the property.

PART III.

INCIDENTAL PROCEEDINGS.

COMMISSIONS.

Power of Court to issue commissions.

75. Subject to such conditions and limitations as may be prescribed, the Court may issue a commission :—

(*a*) to examine any person ;

(*b*) to make a local investigation ;

(*c*) to examine or adjust accounts ; or

(*d*) to make a partition.

Power of Government to make rules regarding commissions for local investigations.

76. The Government may make rules as to the persons to whom Commissions to make local investigations may be issued.

Letter of request.

77. In lieu of issuing a commission the Court may issue a letter of request to examine a witness residing at any place not within Mysore.

Commissions issued by foreign Courts.

78. The provisions as to the execution and return of commissions for the examination of witnesses shall apply to commissions issued by Courts situate beyond the limits of Mysore.

PART IV.

SUITS IN PARTICULAR CASES.

SUITS BY GOVERNMENT OR BY OR AGAINST PUBLIC OFFICERS IN THEIR OFFICIAL CAPACITY.

Suits by Government.

79. Suits by the Government shall be instituted by the Government of Mysore.

Notice.

80. No suit shall be instituted against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to him or left at his office stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

Exemption from arrest and personal appearance.

81. In a suit instituted against a public officer in respect of any act purporting to be done by him in his official capacity—

(*a*) the defendant shall not be liable to arrest nor his property to attachment otherwise than in execution of a decree, and,

(*b*) where the Court is satisfied that the defendant cannot absent himself from his duty without detriment to the public service, it shall exempt him from appearing in person.

Execution of decree.

82. (1) Where the decree is against a public officer in respect of any such act as aforesaid, a time shall be specified in the decree within which it shall be satisfied; and, if the decree is not satisfied within the time so specified, the Court shall report the case for the orders of the Government.

(2) Execution shall not be issued on any such decree unless it remains unsatisfied for the period of three months computed from the date of such report.

Interpleader.

Where interpleader suit may be instituted

88. Where two or more persons claim adversely to one another the same debt, sum of money or other property, movable or immovable, from another person, who claims no interest therein other than for charges or costs and who is ready to pay or deliver it to the rightful claimant, such other person may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to the person to whom the payment or delivery shall be made, and of obtaining indemnity for himself:

Provided that where any suit is pending in which the rights of all parties can properly be decided, no such suit of interpleader shall be instituted.

PART V.

SPECIAL PROCEEDINGS.

Arbitration.

Arbitration.

89. (1) Save in so far as is otherwise provided by any law for the time being in force, all references to arbitration whether by an order in a suit or otherwise, and all proceedings thereunder, shall be governed by the provisions contained in the Second Schedule.

(2) The provisions of the Second Schedule shall not affect any arbitration pending at the commencement of this Code but shall apply to any arbitration after that date under any agreement or reference made before the commencement of this Code.

Special case.

Power to state case for opinion of Court.

90. Where any persons agree in writing to state a case for the opinion of the Court, then the Court shall try and determine the same in the manner prescribed.

SUITS RELATING TO PUBLIC MATTERS.

Public nuisances.

91. (1) In the case of a public nuisance the Deputy Commissioner or such other officer as the Government may appoint in this behalf or two or more persons having obtained the consent in writing of the Deputy Commissioner or other officer appointed as last aforesaid, may institute a suit, though no special damage has been caused, for a declaration and injunction or for such other relief as may be appropriate to the circumstances of the case.

(2) Nothing in this section shall be deemed to limit or otherwise affect any right of suit which may exist independently of its provisions.

Public charities.

92. (1) In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Deputy Commissioner or such other officer as the Government may appoint in this behalf or two or more persons having an interest in the trust and having obtained the consent in writing of the Deputy Commissioner or other officer appointed as last aforesaid may institute a suit, whether contentious or not, in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

(*a*) removing any trustee;

(*b*) appointing a new trustee;

(*c*) vesting any property in a trustee;

(*d*) directing accounts and inquiries;

(*e*) declaring what proportion of the trust-property or of the interest therein shall be allocated to any particular object of the trust;

(*f*) authorizing the whole or any part of the trust-property to be let, sold, mortgaged or exchanged;

(*g*) settling a scheme; or

(*h*) granting such further or other relief as the nature of the case may require.

(2) No suit claiming any of the reliefs specified in sub-section (1) shall be instituted in respect of any such trust as is therein referred to except in conformity with the provisions of that sub-section.

PART VI.

SUPPLEMENTAL PROCEEDINGS.

Supplemental proceedings.

94. In order to prevent the ends of justice from being defeated, the Court may, if it is so prescribed,—

(*a*) issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not give security for his appearance, and if he fails to comply with any order for security commit him to the civil prison: provided that the Court shall not order the arrest or detention of a woman in the course of a suit for recovery of money;

(*b*) direct the defendant to furnish security to produce any property belonging to him and to place the same at the disposal of the Court or order the attachment of any property;

(*c*) grant a temporary injunction and in case of disobedience commit the person guilty thereof to the civil prison and order that his property be attached and sold;

(*d*) appoint a receiver of any property and enforce the performance of his duties by attaching and selling his property;

(*e*) make such other interlocutory orders as may appear to the Court to be just and convenient.

Compensation for obtaining arrest, attachment or injunction on insufficient grounds.

95. (1) Where, in any suit in which an arrest or attachment has been effected or a temporary injunction granted under the last preceding section,—

(*a*) it appears to the Court that such arrest, attachment or injunction was applied for on insufficient grounds, or

(*b*) the suit of the plaintiff fails and it appears to the Court that there was no reasonable or probable ground for instituting the same,

the defendant may apply to the Court, and the Court may, upon such application, award against the plaintiff by its order such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the defendant for the expense or injury caused to him:

Provided that a Court shall not award, under this section, an amount exceeding the limits of its pecuniary jurisdiction.

(2) An order determining any such application shall bar any suit for compensation in respect of such arrest, attachment or injunction.

PART VII.

APPEALS.

APPEALS FROM ORIGINAL DECREES.

Appeal from original decree.

96. (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie from every decree passed by any Court exercising original jurisdiction to the Court authorized to hear appeals from the decisions of such Court.

(2) An appeal may lie from an original decree passed *ex parte*.

(3) No appeal shall lie from a decree passed by the Court with the consent of parties.

Appeal from final decree where no appeal from preliminary decree.

97. Where any party aggrieved by a preliminary decree passed after the commencement of this Code does not appeal from such decree, he shall be precluded from disputing its correctness in any appeal which may be preferred from the final decree.

Decision where appeal heard by two or more Judges.

98. (1) Where an appeal is heard by a Bench of two or more Judges, the appeal shall be decided in accordance with the opinion of such Judges or of the majority (if any) of such Judges.

(2) Where there is no such majority which concurs in a judgment varying or reversing the decree appealed from, such decree shall be confirmed.

No decree to be reversed or modified for error or irregularity not affecting merits or jurisdiction.

99. No decree shall be reversed or substantially varied, nor shall any case be remanded, in appeal on account of any misjoinder of parties or causes of action or any error, defect or irregularity in any proceedings in the suit, not affecting the merits of the case or the jurisdiction of the Court.

APPEALS FROM APPELLATE DECREES.

Second appeal.

100. (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie to the Chief Court from every decree passed in appeal by any Court subordinate to the Chief Court, on any of the following grounds, namely :—

(*a*) the decision being contrary to law or to some usage having the force of law;

(*b*) the decision having failed to determine some material issue of law or usage having the force of law;

(*c*) a substantial error or defect in the procedure provided by this Code or by any other law for the time being in force, which may possibly have produced error or defect in the decision of the case upon the merits;

(*d*) an erroneous finding upon a material question of fact producing an error in the decision on the merits in those cases in which upon any question of fact the finding of the Appellate Court differs from that of the Court of first instance.

(2) An appeal may lie under this section from an appellate decree passed *ex parte*.

Second appeal on no other grounds.

101. No second appeal shall lie except on the grounds mentioned in section 100.

Power of the Chief Court to determine issues of fact.

103. In any second appeal, the Chief Court may, if the evidence on the record is sufficient, determine any issue of fact necessary for the disposal of the appeal but not determined by the lower Appellate Court.

APPEALS FROM ORDERS.

Orders from which appeal lies.

104. (1) An appeal shall lie from the following orders, and save as otherwise expressly provided in the body of this Code or by any law for the time being in force from no other orders :—

(*a*) an order superseding an arbitration where the award has not been completed within the period allowed by the Court;

(*b*) an order on an award stated in the form of a special case;

(*c*) an order modifying or correcting an award;

(*d*) an order filing or refusing to file an agreement to refer to arbitration;

(*e*) an order staying or refusing to stay a suit where there is an agreement to refer to arbitration;

(*f*) an order filing or refusing to file an award in an arbitration without the intervention of the Court;

(*g*) an order under section 95;

(*h*) an order under any of the provisions of this Code imposing a fine or directing the arrest or detention in the Civil prison of any person except where such arrest or detention is in execution of a decree;

(*i*) any order made under rules from which an appeal is expressly allowed by rules.

(2) No appeal shall lie from any order passed in appeal under this section.

Other orders.

105. (1) Save as otherwise expressly provided, no appeal shall lie from any order made by a Court in the exercise of its original or appellate jurisdiction; but, where a decree is appealed from, any error, defect or irregularity in any order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal.

(2) Notwithstanding anything contained in sub-section (1), where any party aggrieved by an order of remand made after the commencement of this Code from which an appeal lies does not appeal therefrom, he shall thereafter be precluded from disputing its correctness.

What Courts to hear appeals.

106. Where an appeal from any order is allowed, it shall lie to the Court to which an appeal would lie from the decree in the suit in which such order was made or where such order is made by a Court (not being the Chief Court) in the exercise of Appellate jurisdiction, then to the Chief Court.

GENERAL PROVISIONS RELATING TO APPEALS.

Powers of Appellate Court.

107. (1) Subject to such conditions and limitations as may be prescribed, an Appellate Court shall have power—

(*a*) to determine a case finally;

(*b*) to remand a case;

(*c*) to frame issues and refer them for trial;

(*d*) to take additional evidence or to require such evidence to be taken.

(2) Subject as aforesaid, the Appellate Court shall have the same powers and shall perform as nearly as may be the same duties as are conferred and imposed by this Code on Courts of original jurisdiction in respect of suits instituted therein.

Procedure in appeals from appellate decrees and orders.

108. The provisions of this part relating to appeals from original decrees shall, so far as may be, apply to appeals—

(*a*) from appellate decrees, and

(*b*) from orders made under this Code or under any special or local law in which a different procedure is not provided.

PART VIII.

REFERENCE, REVIEW AND REVISION.

Reference to Chief Court.

113. Subject to such conditions and limitations as may be prescribed, any Court may state a case and refer the same for the opinion of the Chief Court, and the Chief Court may make such order thereon as it thinks fit.

Review.

114. Subject as aforesaid, any person considering himself aggrieved—

(*a*) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred,

(*b*) by a decree or order from which no appeal is allowed by this Code, or

(*c*) by a decision on a reference from a Court of Small Causes,

may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.

Revision.

115. The Chief Court may call for the record of any case which has been decided by any Court subordinate to the Chief Court and in which no appeal lies thereto, and if such subordinate Court appears—

(*a*) to have exercised a jurisdiction not vested in it by law, or

(*b*) to have failed to exercise a jurisdiction so vested, or

(*c*) to have acted in the exercise of its jurisdiction illegally or with material irregularity,

the Chief Court may make such order in the case as it thinks fit.

PART X.

RULES.

Effect of rules in First Schedule.

121. The rules in the First Schedule shall have effect as if enacted in the body of this Code until annulled or altered in accordance with the provisions of this part.

Power of the Chief Court to make rules.

122. The Chief Court may, from time to time after previous publication, make rules regulating its own procedure and the procedure of the Civil Courts subject to its superintendence, and may by such rules annul, alter or add to all or any of the rules in the First Schedule.

Constitution of the Rule Committee.

123. (1) A Committee, to be called the Rule Committee, shall be constituted at Bangalore.

(2) The Committee shall consist of the following persons, namely :—

(*a*) a judge of the Chief Court, who shall be the President of the Committee ;

(*b*) two judges of Civil Courts subordinate to the Chief Court ; and

(*c*) two advocates enrolled in the Chief Court,

(3) The members of the Committee shall be appointed by the Chief Judge.

(4) Each member of the Committee shall hold office for such period as may be prescribed by the Chief Judge in this behalf ; and whenever any member retires, resigns, dies or ceases to reside in Mysore or becomes incapable of acting as a member of the Committee, the Chief Judge may appoint another person to be a member in his stead.

(5) There shall be a Secretary to the Committee, who shall be appointed by the Chief Judge.

Committee to report to Chief Court.

124. The Rule Committee shall make a report to the Chief Court on any proposal to annul, alter or add to the rules in the First Schedule or to make new rules, and before making any rules under section 122 the Chief Court shall take such report into consideration.

Rules subject to sanction.

126. Rules made under the foregoing provisions shall be subject to the previous sanction of the Government.

Publication of rules.

127. Rules so made and sanctioned shall be published in the official Gazette and shall, from the date of publication or from such other date as may be specified, have the same force and effect, as if they had been contained in the First Schedule.

Matters for which rules may provide.

128. Such rules shall be not inconsistent with the provisions in the body of this Code, but, subject thereto, may provide for any matters relating to the procedure of Civil Courts.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), such rules may provide for all or any of the following matters, namely:—

(*a*) the service of summonses, notices and other processes by post or in any other manner either generally or in any specified areas and the proof of such service;

(*b*) the maintenance and custody, while under attachment, of live-stock and other movable property, the fees payable for such maintenance and custody, the sale of such live-stock and property and the proceeds of such sale;

(*c*) procedure in suits by way of counterclaim, and the valuation of such suits for the purposes of jurisdiction;

(*d*) procedure in garnishee and charging orders either in addition to, or in substitution for, the attachment and sale of debts;

(*e*) procedure where the defendant claims to be entitled to contribution or indemnity over against any person whether a party to the suit or not;

(*f*) summary procedure—

(i) in suits in which the plaintiff seeks only to recover a debt or liquidated demand in money payable by the defendant, with or without interest, arising—

on a contract express or implied; or

on an enactment where the sum sought to be recovered is a fixed sum of money or in the nature of a debt other than a penalty; or

on a guarantee, where the claim against the principal is in respect of a debt or a liquidated demand only; or

on a trust; or

(ii) in suits for the recovery of immovable property, with or without a claim for rent or mesne profits, by a landlord against a tenant whose term has expired or has been duly determined by notice to quit, or has become liable to forfeiture for non-payment of rent, or against persons claiming under such tenant;

(*g*) procedure by way of originating summons;

(*h*) consolidation of suits, appeals and other proceedings;

(*i*) delegation to any Registrar, or other official of the Court of any judicial, quasi-judicial and non-judicial duties; and

(*j*) all forms, registers, books, entries and accounts which may be necessary or desirable for the transaction of the business of Civil Courts.

Power to make rules as to matters other than procedure.

130. The Chief Court shall have power to call for returns and may, with the previous sanction of Government, prescribe forms and make and issue any rules regulating its own practice and the practice of the Civil Courts subject to its superintendence with respect to any matter other than procedure.

Publication of rules.

131. Rules made in accordance with section 130 shall be published in the official Gazette and shall, from the date of publication or from such other date as may be specified, have the force of law.

PART XI.

MISCELLANEOUS.

Exemption of certain women from personal appearance.

132. (1) Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

(2) Nothing herein contained shall be deemed to exempt such women from arrest in execution of civil process in any case in which the arrest of women is not prohibited by this Code.

Exemption of other persons.

133. (1) The Government may, by notification in the official Gazette, exempt from personal appearance in Court any person whose rank, in the opinion of the Government, entitles him to the privilege of exemption.

(2) The names and residences of the persons so exempted shall, from time to time, be forwarded to the Chief Court by the Government and a list of such persons shall be kept in such Court, and a list of such persons as reside within the local limits of the jurisdiction of each Court subordinate to the Chief Court shall be kept in such subordinate Court.

(3) Where any person so exempted claims the privilege of such exemption, and it is consequently necessary to examine him by commission, he shall pay the costs of that commission, unless the party requiring his evidence pays such costs.

Arrest other than in execution of decree.

134. The provisions of sections 55, 57 and 59 shall apply, so far as may be, to all persons arrested under this Code.

Exemption from arrest under civil process.

135. (1) No Judge, Magistrate or other judicial officer shall be liable to arrest under civil process while going to, presiding in or returning from, his Court.

(2) Where any matter is pending before a tribunal having jurisdiction therein, or believing in good faith that it has such jurisdiction, the parties thereto, their pleaders,

mukhtars, revenue agents and recognised agents and their witnesses acting in obedience to a summons, shall be exempt from arrest under civil process other than process issued by such tribunal for contempt of Court while going to or attending such tribunal for the purpose of such matter, and while returning from such tribunal.

(3) Nothing in sub-section (2) shall enable a judgment-debtor to claim exemption from arrest under an order for immediate execution or where such judgment-debtor attends to show cause why he should not be committed to prison in execution of a decree.

Procedure where person to be arrested or property to be attached is outside district.

136. (1) Where an application is made that any person shall be arrested or that any property shall be attached under any provision of this Code not relating to the execution of decrees, and such person resides or such property is situate outside the local limits of the jurisdiction of the Court to which the application is made, the Court may, in its discretion, issue a warrant of arrest or make an order of attachment, and send to the District Court within the local limits of whose jurisdiction such person or property resides or is situate a copy of the warrant or order, together with the probable amount of the costs of the arrest or attachment.

(2) The District Court shall, on receipt of such copy and amount, cause the arrest or attachment to be made by its own officers, or by a Court subordinate to itself, and shall inform the Court which issued or made such warrant or order of the arrest or attachment.

(3) The Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him.

Language of subordinate Courts.

137. (1) The language which, on the commencement of this Code, is the language of any Court subordinate to the Chief Court shall continue to be the language of such subordinate Court until the Government otherwise directs.

(2) The Government may declare what shall be the language of any such Court.

(3) Where this Code requires or allows anything other than the recording of evidence to be done in writing in any such Court, such writing may be in English; but if any party or his pleader is unacquainted with English a translation into the language of the Court shall, at his request, be supplied to him; and the Court shall make such order as it thinks fit in respect of the payment of the costs of such translation.

Power for Government to require evidence to be recorded in English.

138. (1) The Government may, by notification in the official Gazette, direct with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall be taken down by him in the English language and in manner prescribed.

(2) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (1), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

Oath on affidavit by whom to be administered.

139. In the case of any affidavit under this Code—

(*a*) any Court or Magistrate, or

(*b*) any officer or other person whom the Chief Court may appoint in this behalf, or

(*c*) any officer appointed by any other Court which the Government has generally or specially empowered in this behalf,

may administer the oath to the deponent.

Miscellaneous proceedings.

141. The procedure provided in this Code in regard to suits shall be followed, as far as it can be made applicable, in all proceedings in any Court of civil jurisdiction.

Orders and notices to be in writing.

142. All orders and notices served on or given to any person under the provisions of this Code shall be in writing.

Postage.

143. Postage, where chargeable on a notice, summons or letter issued under this Code and forwarded by post, and the fee for registering the same, shall be paid within a time to be fixed before the communication is made:

Provided that the Government may remit such postage, or fee, or both, or may prescribe a scale of court-fees to be levied in lieu thereof.

Application for restitution.

144. (1) Where and in so far as a decree is varied or reversed, the Court of first instance shall, on the application of any party entitled to any benefit by way of restitution or otherwise, cause such restitution to be made as will, so far as may be, place the parties in the position which they would have occupied but for such decree or such part thereof as has been varied or reversed; and, for this purpose, the Court may make any orders, including orders for the refund of costs and for the payment of interest, damages, compensation and mesne profits, which are properly consequential on such variation or reversal.

(2) No suit shall be instituted for the purpose of obtaining any restitution or other relief which could be obtained by application under sub-section (1).

Enforcement of liability of surety.

145. Where any person has become liable as surety—

(*a*) for the performance of any decree or any part thereof, or

(*b*) for the restitution of any property taken in execution of a decree, or

(*c*) for the payment of any money, or for the fulfilment of any condition imposed on any person, under an order of the Court in any suit or in any proceeding consequent thereon,

the decree or order may be executed against him, to the extent to which he has rendered himself personally liable, in the manner herein provided for the execution of decrees, and such person shall, for the purposes of appeal, be deemed a party within the meaning of section 47:

Provided that such notice as the Court in each case thinks sufficient has been given to the surety.

Proceedings by or against representatives.

146. Save as otherwise provided by this Code or by any law for the time being in force, where any proceeding

may be taken or application made by or against any person, then the proceeding may be taken or the application may be made by or against any person claiming under him.

Consent or agreement by persons under disability.

147. In all suits to which any person under disability is a party, any consent or agreement as to any proceeding shall, if given or made with the express leave of the Court by the next friend or guardian for the suit, have the same force and effect as if such person were under no disability and had given such consent or made such agreement.

Enlargement of time.

148. Where any period is fixed or granted by the Court for the doing of any act prescribed or allowed by this Code, the Court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.

Power to make up deficiency of court-fees.

149. Where the whole or any part of any fee prescribed for any document by the law for the time being in force relating to court-fees has not been paid, the Court may, in its discretion, at any stage, allow the person, by whom such fee is payable, to pay the whole or part, as the case may be, of such court-fee; and upon such payment the document, in respect of which such fee is payable, shall have the same force and effect as if such fee had been paid in the first instance.

Transfer of business.

150. Save as otherwise provided, where the business of any Court is transferred to any other Court, the Court to which the business is so transferred shall have the same powers and shall perform the same duties as those respectively conferred and imposed by or under this Code upon the Court from which the business was so transferred.

Saving of inherent powers of Court.

151. Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.

Amendment of judgments, decrees or orders.

152. Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties.

Indemnity of Judges etc.

152 A. No Judge or other public officer shall be answerable for any error, misstatement or omission in any proclamation of sale issued under the provisions of this Code, unless the same has been committed or made dishonestly.

General power to amend.

153. The Court may at any time, and on such terms as to costs or otherwise as it may think fit, amend any defect or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.

Saving of present right of appeal.

154. Nothing in this Code shall affect any present right of appeal which shall have accrued to any party at its commencement.

Amendment of certain Acts.

155. The enactments mentioned in the fourth schedule are hereby amended to the extent specified in the fourth column thereof.

Repeals.

156. The enactments mentioned in the fifth schedule are hereby repealed to the extent specified in the fourth column thereof.

Continuance of orders under repealed enactments.

157. Notifications published, declarations and rules made, places appointed, agreements filed, scales prescribed, forms framed, appointments made and powers conferred under Act VIII of 1859 or any Code of Civil Procedure or any Regulation amending the same or under any other enactment hereby repealed shall, so far as they are consistent with this Code, have the same force and effect as if they had been respectively published, made, appointed, filed, prescribed, framed and conferred under this Code and by the authority empowered thereby in such behalf.

Reference to Code of Civil Procedure and other repealed enactments.

158. In every enactment or notification passed or issued before the commencement of this Code in which reference is made to or to any chapter or section of Act VIII of 1859 or any Code of Civil Procedure or any Regulation amending the same or any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding part, order, section or rule.

The First Schedule.

ORDER I.

Parties to suits.

RULES.

1. Who may be joined as plaintiffs.
2. Power of Court to order separate trials.
3. Who may be joined as defendants.
4. Court may give judgment for or against one or more of joint parties.
5. Defendant need not be interested in all the relief claimed.
6. Joinder of parties liable on same contract.
7. When plaintiff in doubt from whom redress is to be sought.
8. One person may sue or defend on behalf of all in same interest.
9. Misjoinder and non-joinder.
10. Suit in name of wrong plaintiff.
Court may strike out or add parties.
Where defendant added, plaint to be amended.
12. Appearance of one of several plaintiffs or defendants for others.
13. Objections as to non-joinder or misjoinder.

ORDER II.

Frame of suit.

1. Frame of suit.
2. Suit to include the whole claim.
Relinquishment of part of claim.
Omission to sue for one of several reliefs.
3. Joinder of causes of action.
4. Only certain claims to be joined for recovery of immovable property.
5. Claims by or against executor, administrator or heir.
6. Power of Court to order separate trials.
7. Objections as to misjoinder.

ORDER III.

Recognized agents and pleaders.

1. Appearances, etc., may be in person, by recognized agent or by pleader.
2. Recognized agents.
3. Service of process on recognized agent.
4. Appointment of pleader.
5. Service of process on pleader.
6. Agent to accept service.
Appointment to be in writing and to be filed in Court.

ORDER IV.

Institution of suits.

1. Suit to be commenced by plaint.
2. Register of suits.

ORDER V.

Issue and service of summons.

Issue of summons.

1. Summons.
2. Copy or statement annexed to summons.
3. Court may order defendant or plaintiff to appear in person.
4. No party to be ordered to appear in person, unless resident within certain limits.
5. Summons to be either to settle issues or for final disposal.
6. Fixing day for appearance of defendant.
7. Summons to order defendant to produce documents relied on by him.
8. On issue of summons for final disposal, defendant to be directed to produce his witnesses.

RULES.

Service of summons.

9. Delivery or transmission of summons for service.
10. Mode of service.
11. Service on several defendants.
12. Service to be on defendant in person when practicable, or on his agent.
13. Service on agent by whom defendant carries on business.
14. Service on agent in charge in suits for immovable property.
15. Where service may be on male member of defendant's family.
16. Person served to sign acknowledgment.
17. Procedure when defendant refuses to accept service, or cannot be found.
18. Endorsement of time and manner of service.
19. Examination of serving officer.
20. Substituted service.
Effect of substituted service.
Where service substituted, time for appearance to be fixed.
21. Service of summons where defendant resides within jurisdiction of another Court.
23. Duty of Court to which summons is sent.
24. Service on defendant in prison.
25. Service where defendant resides out of Mysore and has no agent.
26. Service in foreign territory through a Court or other authority.
27. Service on civil public officer or on servant of railway company or local authority.
28. Service on officers and soldiers in the Mysore Military Forces.
29. Duty of person to whom summons is delivered or sent for service.
30. Substitution of letter for summons.

ORDER VI.

Pleadings generally.

1. Pleading.
2. Pleading to state material facts and not evidence.
3. Forms of pleading.
4. Particulars to be given where necessary.
5. Further and better statement, or particulars.
6. Condition precedent.
7. Departure.
8. Denial of contract.
9. Effect of document to be stated.
10. Malice, knowledge, etc.
11. Notice.
12. Implied contract, or relation.
13. Presumptions of law.
14. Pleading to be signed.
15. Verification of pleadings.
16. Striking out pleadings.
17. Amendment of pleadings.
18. Failure to amend after order.

ORDER VII.

Plaint.

1. Particulars to be contained in plaint.
2. In money suits.
3. Where the subject-matter of the suit is immovable property.
4. When plaintiff sues as representative.
5. Defendant's interest and liability to be shown.
6. Grounds of exemption from limitation law.
7. Relief to be specifically stated.
8. Relief founded on separate grounds.
9. Procedure on admitting plaint.
Concise statements.
10. Return of plaint.
Procedure on returning plaint.
11. Rejection of plaint.
12. Procedure on rejecting plaint.
13. Where rejection of plaint does not preclude presentation of fresh plaint.

RULES.

Documents relied on in plaint.

14. Production of document on which plaintiff sues.
List of other documents.
15. Statement in case of documents not in his possession or power.
16. Suits on lost negotiable instruments.
17. Production of shop-book.
Original entry to be marked and returned.
18. Inadmissibility of document not produced when plaint filed.

ORDER VIII.

Written statement and set-off.

1. Written statement.
2. New facts must be specially pleaded.
3. Denial to be specific.
4. Evasive denial.
5. Specific denial.
6. Particulars of set-off to be given in written statement.
Effect of set-off.
7. Defence or set-off founded on separate grounds.
8. New ground of defence.
9. Subsequent pleadings.
10. Procedure when party fails to present written statement called for by Court.

ORDER IX.

Appearance of parties and consequence of non-appearance.

1. Parties to appear on day fixed in summons for defendant to appear and answer.
2. Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.
3. Where neither party appears, suit to be dismissed.
4. Plaintiff may bring fresh suit or Court may restore suit to file.
5. Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.
6. Procedure when only plaintiff appears.
When summons duly served.
When summons not duly served.
When summons served, but not in due time.
7. Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.
8. Procedure where defendant only appears.
9. Decree against plaintiff by default bars fresh suit.
10. Procedure in case of non-attendance of one or more of several plaintiffs.
11. Procedure in case of non-attendance of one or more of several defendants.
12. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

Setting aside decrees ex parte.

13. Setting aside decree *ex parte* against defendant.
14. No decree to be set aside without notice to opposite party.

ORDER X.

Examination of parties by the Court.

1. Ascertainment whether allegations in pleadings are admitted or denied.
2. Oral examination of party, or companion of party.
3. Substance of examination to be written.
4. Consequence of refusal or inability of pleader to answer.

ORDER XI.

Discovery and inspection.

1. Discovery by interrogatories.
2. Particular interrogatories to be submitted.
3. Costs of interrogatories.
4. Form of interrogatories.
5. Corporations.
6. Objections to interrogatories by answer.

RULES.
7. Setting aside and striking out interrogatories.
8. Affidavit in answer filing.
9. Form of affidavit in answer.
10. No exception to be taken.
11. Order to answer or answer further.
12. Application for discovery of documents.
13. Affidavit of documents.
14. Production of documents.
15. Inspection of documents referred to in pleadings or affidavits.
16. Notice to produce.
17. Time for inspection when notice given.
18. Order for inspection.
19. Verified copies.
20. Premature discovery.
21. Non-compliance with order for discovery.
22. Using answers to interrogatories at trial.
23. Order to apply to minors.

ORDER XII.

Admissions.

1. Notice of admission of case.
2. Notice to admit documents.
3. Form of notice.
4. Notice to admit facts.
5. Form of admissions.
6. Judgment on admissions.
7. Affidavit of signature.
8. Notice to produce documents.
9. Costs.

ORDER XIII.

Production, impounding and return of documents.

1. Documentary evidence to be produced at first hearing.
2. Effect of non-production of documents.
3. Rejection of irrelevant or inadmissible documents.
4. Endorsements on documents admitted in evidence.
5. Endorsements on copies of admitted entries in books, accounts and records.
6. Endorsements on documents rejected as inadmissible in evidence.
7. Recording of admitted and return of rejected documents.
8. Court may order any document to be impounded.
9. Return of admitted documents.
10. Court may send for papers from its own records or from other Courts.
11. Provisions as to documents applied to material objects.

ORDER XIV.

Settlement of issues and determination of suit on issues of Law or on issues agreed upon.

1. Framing of issues.
2. Issues of law and of fact.
3. Materials from which issues may be framed.
4. Court may examine witnesses or documents before framing issues.
5. Power to amend, and strike out, issues.
6. Questions of fact or law may by agreement be stated in form of issues.
7. Court, if satisfied that agreement was executed in good faith may pronounce judgment.

ORDER XV.

Disposal of the suit at the first hearing.

1. Parties not at issue.
2. One of several defendants not at issue.
3 Parties at issue.
4. Failure to produce evidence.

ORDER XVI.

Summoning and attendance of witnesses.

1. Summons to attend to give evidence or produce documents.
2. Expenses of witness to be paid into Court on applying for summons.
   Experts.
   Scale of expenses.
3. Tender of expenses to witness.
4. Procedure where insufficient sum paid in.
   Expenses of witnesses detained more than one day.
5. Time, place and purpose of attendance to be specified in summons.
6. Summons to produce document.
7. Power to require persons present in Court to give evidence or produce document.
8. Summons how served.
9. Time for serving summons.
10. Procedure where witness fails to comply with summons.
11. If witness appears, attachment may be withdrawn.
12. Procedure if witness fails to appear.
13. Mode of attachment.
14. Court may of its own accord summon as witnesses strangers to suit.
15. Duty of persons summoned to give evidence or produce document.
16. When they may depart.
17. Application of Rules 10 to 13.
18. Procedure where witness apprehended cannot give evidence or produce document.
19. No witness to be ordered to attend in person unless resident within certain limits.
20. Consequence of refusal of party to give evidence when called on by Court.
21. Rules as to witnesses to apply to parties summoned.

ORDER XVII.

Adjournments.

1. Court may grant time and adjourn hearing.
   Costs of adjournment.
2. Procedure if parties fail to appear on day fixed.
3. Court may proceed notwithstanding either party fails to produce evidence, etc.

ORDER XVIII.

Hearing of the suit and examination of witnesses.

1. Right to begin.
2. Statement and production of evidence.
3. Evidence where several issues.
4. Witnesses to be examined in open Court.
5. How evidence shall be taken in appealable cases.
6. When deposition to be interpreted.
7. Evidence under Section 138.
8. Memorandum when evidence not taken down by Judge.
9. When evidence may be taken in English.
10. Any particular question and answer may be taken down.
11. Questions objected to and allowed by Court.
12. Remarks on demeanour of witnesses.
13. Memorandum of evidence in unappealable cases.
14. Judge unable to make such memorandum to record reasons of his inability.
15. Power to deal with evidence taken before another Judge.
16. Power to examine witness immediately.
17. Court may recall and examine witness.
18. Power of Court to inspect.

ORDER XIX.

Affidavits.

1. Power to order any point to be proved by affidavit.
2. Power to order attendance of deponent for cross-examination.
3. Matters to which affidavits shall be confined.

RULES.

ORDER XX.

Judgment and decree.

1. Judgment when pronounced.
2. Power to pronounce judgment written by Judge's predecessor.
3. Judgment to be signed.
4. Judgments of Small Cause Courts.
Judgments of other Courts.
5. Court to state its decision on each issue.
6. Contents of decree.
7. Date of decree.
8. Procedure where Judge has vacated office before signing decree.
9. Decree for recovery of immovable property.
10. Decree for delivery of movable property.
11. Decree may direct payment by instalments.
Order, after decree, for payment by instalments.
12. Decree for possession and mesne profits.
13. Decree in administration-suit.
14. Decree in pre-emption suit.
15. Decree in suit for dissolution of partnership.
16. Decree in suit for account between principal and agent.
17. Special directions as to accounts.
18. Decree in suit for partition of property or separate possession of a share therein.
19. Decree when set-off is allowed.
Appeal from decree relating to set-off.
20. Certified copies of judgment and decree to be furnished.

ORDER XXI.

Execution of decrees and orders.

Payment under decree.

1. Modes of paying money under decree.
2. Payment out of Court to decree-holder.

Courts executing decrees.

3. Lands situate in more than one jurisdiction.
5. Mode of transfer.
6. Procedure where Court desires that its own decree shall be executed by another Court.
7. Court receiving copies of decree, etc., to file same without proof.
8. Execution of decree or order by Court to which it is sent.
9. Execution by Chief Court of decree transferred by other Court.

Application for execution.

10. Application for execution.
11. Oral application.
Written application.
12. Application for attachment of movable property not in judgment-debtor's possession.
13. Application for attachment of immovable property to contain certain particulars.
14. Power to require certified extract from Deputy Commissioner's register in certain cases.
15. Application for execution by joint decree-holder.
16. Application for execution by transferee of decree.
17. Procedure on receiving application for execution of decree.
18. Execution in case of cross-decrees.
19. Execution in case of cross-claims under same decree.
20. Cross-decrees and cross-claims in mortgage-suits.
21. Simultaneous execution.
22. Notice to show cause against execution in certain cases.
23. Procedure after issue of notice.

Process for execution.

24. Process for execution.
25. Endorsement on process.

Stay of execution.

26. When Court may stay execution.
Power to require security from, or impose conditions upon, judgment-debtor.
27. Liability of judgment-debtor discharged.

RULES.

28. Order of Court which passed decree or of appellate Court to be binding upon Court applied to.
29. Stay of execution pending suit between decree-holder and judgment-debtor.

Mode of execution.

30. Decree for payment of money.
31. Decree for specific movable property.
32. Decree for specific performance, for restitution of conjugal rights, or for an injunction.
33. Discretion of Court in executing decrees for restitution of conjugal rights.
34. Decree for execution of document, or endorsement of negotiable instrument.
35. Decree for immovable property.
36. Decree for delivery of immovable property when in occupancy of tenant.

Arrest and detention in the civil prison.

37. Discretionary power to permit judgment-debtor to show cause against detention in prison.
38. Warrant for arrest to direct judgment-debtor to be brought up.
39. Subsistence-allowance.
40. Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

Attachment of property.

41. Examination of judgment-debtor as to his property.
42. Attachment in case of decree for rent or mesne profits or other matter, amount of which to be subsequently determined.
43. Attachment of movable property, other than agricultural produce, in possession of judgment-debtor.
44. Attachment of agricultural produce.
45. Provisions as to agricultural produce under attachment.
46. Attachment of debt, share and other property not in possession of judgment-debtor.
47. Attachment of share in movables.
48. Attachment of salary or allowances of public officer or servant of railway company or local authority.
49. Attachment of partnership property.
50. Execution of decree against firm.
51. Attachment of negotiable instruments.
52. Attachment of property in custody of Court or public officer.
53. Attachment of decrees.
54. Attachment of immovable property.
55. Removal of attachment after satisfaction of decree.
56. Order for payment of coin or currency notes to party entitled under decree.
57. Determination of attachment.

Investigation of claims and objections.

58. Investigation of claims to, and objections to attachment of, attached property.
Postponement of sale.
59. Evidence to be adduced by claimant.
60. Release of property from attachment.
61. Disallowance of claim to property attached.
62. Continuance of attachment subject to claim of incumbrancer.
63. Saving of suits to establish right to attached property.

Sale generally.

64. Power to order property attached to be sold and proceeds to be paid to person entitled.
65. Sales by whom conducted and how made.
66. Proclamation of sales by public auction.
67. Mode of making proclamation.
68. Time of sale.
69. Adjournment or stoppage of sale.
70. Saving of certain sales.
71. Defaulting purchaser answerable for loss on resale.
72. Decree-holder not to bid for or buy property without permission.
Where decree-holder purchases, amount of decree may be taken as payment.
73. Restriction on bidding or purchase by officers.

RULES.

Sale of movable property.

74. Sale of agricultural produce.
75. Special provisions relating to growing crops.
76. Negotiable instruments and shares in corporations.
77. Sale by public auction.
78. Irregularity not to vitiate sale, but any person injured may sue.
79. Delivery of movable property, debts and shares.
80. Transfer of negotiable instruments and shares.
81. Vesting order in case of other property.

Sale of immovable property.

82. What Courts may order sales.
83. Postponement of sale to enable judgment-debtor to raise amount of decree.
84. Deposit by purchaser and resale on default.
85. Time for payment in full of purchase-money.
86. Procedure in default of payment.
87. Notification on resale.
88. Bid of co-sharer to have preference.
89. Application to set aside sale on deposit.
90. Application to set aside sale on ground of irregularity or fraud.
91. Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.
92. Sale when to become absolute or be set aside.
93. Return of purchase-money in certain cases.
94. Certificate to purchaser.
95. Delivery of property in occupancy of judgment-debtor.
96. Delivery of property in occupancy of tenant.

Resistance to delivery of possession to decree-holder or purchaser.

97. Resistance or obstruction to possession of immovable property.
98. Resistance or obstruction by judgment-debtor.
99. Resistance or obstruction by *bonâ fide* claimant.
100. Dispossession by decree-holder or purchaser.
101. *Bonâ fide* claimant to be restored to possession.
102. Rules not applicable to transferee *lite pendente*.
103. Orders conclusive subject to regular suit.

ORDER XXII.

Death, marriage and insolvency of parties.

1. No abatement by party's death, if right to sue survives.
2. Procedure where one of several plaintiffs or defendants dies and right to sue survives.
3. Procedure in case of death of one of several plaintiffs or of sole plaintiff.
4. Procedure in case of death of one of several defendants or of sole defendant.
5. Determination of question as to legal representative.
6. No abatement by reason of death after hearing.
7. Suit not abated by marriage of female party.
8. When plaintiff's insolvency bars suit.
Procedure where assignee fails to continue suit or give security.
9. Effect of abatement or dismissal.
10. Procedure in case of assignment before final order in suit.
11. Application of Order to appeals.
12. Application of Order to proceedings.

ORDER XXIII.

Withdrawal and adjustment of suits.

1. Withdrawal of suit or abandonment of part of claim.
2. Limitation law not affected by first suit.
3. Compromise of suit.
4. Proceedings in execution of decrees not affected.

ORDER XXIV.

Payment into Court.

1. Deposit by defendant of amount in satisfaction of claim.
2. Notice of deposit.

RULES.

3. Interest on deposit not allowed to plaintiff after notice.
4. Procedure where plaintiff accepts deposit as satisfaction in part. Procedure where he accepts it as satisfaction in full.

ORDER XXV.

Security for costs.

1. When security for costs may be required from plaintiff. Residence out of Mysore.
2. Effect of failure to furnish security.

ORDER XXVI.

Commissions.

Commissions to examine witnesses.

1. Cases in which Court may issue commission to examine witness.
2. Order for commission.
3. Where witness resides within Court's jurisdiction.
4. Persons for whose examination commission may issue.
5. Commission or request to examine witness not within Mysore.
6. Court to examine witness pursuant to commission.
7. Return of commission with depositions of witnesses.
8. When depositions may be read in evidence.

Commissions for local investigations.

9. Commissions to make local investigations.
10. Procedure of Commissioner. Report and depositions to be evidence in suit. Commissioner may be examined in person.

Commissions to examine accounts.

11. Commission to examine or adjust accounts.
12. Court to give Commissioner necessary instructions. Proceedings and report to be evidence. Court may direct further inquiry.

Commissions to make partitions.

13. Commission to make partition of immovable property.
14. Procedure of Commissioner.

General provisions.

15. Expenses of commission to be paid into Court.
16. Powers of Commissioners.
17. Attendance and examination of witnesses before Commissioner.
18. Parties to appear before Commissioner.

ORDER XXVII.

Suits by Government or by or against Public Officers in their official capacity.

1. Suits by Government.
2. Persons authorized to act for Government.
3. Plaints in suits by Government.
7. Extension of time to enable public officer to make reference to Government.
8. Procedure in suits against public officer.

ORDER XXVIII.

Suits by or against Military men.

1. Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.
2. Persons so authorized may act personally or appoint pleader.
3. Service on person so authorized, or on his pleader, to be good service.

ORDER XXIX.

Suits by or against corporations.

1. Subscription and verification of pleading.
2. Service on corporation.
3. Power to require personal attendance of officer of corporation.

ORDER XXX.

Suits by or against firms and persons carrying on business in names other than their own.

1. Suing of partners in name of firm.
2. Disclosure of partners' names.
3. Service.
4. Right of suit on death of partner.
5. Notice in what capacity served.
6. Appearance of partners.
7. No appearance except by partners.
8. Appearance under protest.
9. Suits between co-partners.
10. Suit against person carrying on business in name other than his own.

ORDER XXXI.

Suits by or against trustees, executors and administrators.

1. Representation of beneficiaries in suits concerning property vested in trustees, etc.
2. Joinder of trustees, executors and administrators.
3. Husband of married executrix not to join.

ORDER XXXII.

Suits by or against minors and persons of unsound mind.

1. Minor to sue by next friend.
2. Where suit is instituted without next friend, plaint to be taken off the file.
3. Guardian for the suit to be appointed by Court for minor defendant.
4. Who may act as next friend or be appointed guardian for the suit.
5. Representation of minor by next friend or guardian for the suit.
6. Receipt by next friend or guardian for the suit of property under decree for minor.
7. Agreement or compromise by next friend or guardian for the suit.
8. Retirement of next friend.
9. Removal of next friend.
10. Stay of proceedings on removal, etc., of next friend.
11. Retirement, removal or death of guardian for the suit.
12. Course to be followed by minor plaintiff or applicant on attaining majority.
13. Where minor co-plaintiff attaining majority desires to repudiate suit.
14. Unreasonable or improper suit.
15. Application of rules to persons of unsound mind.
16. Savings.

ORDER XXXIII.

Suits by paupers.

1. Suits may be instituted in *forma pauperis*.
2. Contents of application.
3. Presentation of application.
4. Examination of applicant.
   If presented by agent, Court may order applicant to be examined by commission.
5. Rejection of application.
6. Notice of day for receiving evidence of applicant's pauperism.
7. Procedure at hearing.
8. Procedure if application admitted.
9. Dispaupering.
10. Costs where pauper succeeds.
11. Procedure where pauper fails.
12. Government may apply for payment of court-fees.
13. Government to be deemed a party.
14. Copy of decree to be sent to Deputy Commissioner.
15. Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.
16. Costs.

RULES.

ORDER XXXIV.

Suits relating to mortgages of immovable property.

1. Parties to suits for foreclosure, sale and redemption.
2. Preliminary decree in foreclosure-suit.
3. Final decree in foreclosure-suit.
Power to enlarge time.
Discharge of debt.
4. Preliminary decree in suit for sale.
Power to decree sale in foreclosure-suit.
5. Final decree in suit for sale.
6. Recovery of balance due on mortgage.
7. Preliminary decree in redemption-suit.
8. Final decree in redemption-suit.
Power to enlarge time.
9. Decree where nothing is found due or where mortgagee has been overpaid.
10. Costs of mortgagee subsequent to decree.
11. Right of mesne mortgagee to redeem and foreclose.
12. Sale of property subject to prior mortgage.
13. Application of proceeds.
14. Savings.
15. Charges.

ORDER XXXV

Interpleader

1. Plaint in interpleader suit.
2. Payment of thing claimed into Court.
3. Procedure where defendant is suing plaintiff.
4. Procedure at first hearing.
5. Agents and tenants may not institute interpleader-suits.
6. Charge for plaintiff's costs.

ORDER XXXVI.

Special case.

1. Power to state case for Court's opinion.
2. Where value of subject-matter must be stated.
3. Agreement to be filed and registered as suit.
4. Parties to be subject to Court's jurisdiction.
5. Hearing and disposal of case.

ORDER XXXVII.

Summary procedure on negotiable instruments.

1. Application of Order.
2. Institution of summary suits upon bills of exchange, etc.
3. Defendant showing defence on merits to have leave to appear.
4. Power to set aside decree.
5. Power to order bill, etc., to be deposited with Officer of Court.
6. Recovery of cost of noting non-acceptance of dishonoured bill or note.
7. Procedure in suits.

ORDER XXXVIII.

Arrest and attachment before judgment. Arrest before judgment.

1. Where defendant may be called upon to furnish security for appearance.
2. Security.
3. Procedure on application by surety to be discharged.
4. Procedure where defendant fails to furnish security or find fresh security.

Attachment before judgment.

5. Where defendant may be called upon to furnish security for production of property.
6. Attachment where cause not shown or security not furnished.
7. Mode of making attachment.
8. Investigation of claim to property attached before judgment.
9. Removal of attachment when security furnished or suit dismissed.
10. Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.

RULES.
11. Property attached before judgment not to be re-attached in execution of decree.
12. Agricultural produce not attachable before judgment

ORDER XXXIX.

Temporary injunctions and interlocutory orders.

Temporary injunctions.

1. Cases in which temporary injunction may be granted.
2. Injunction to restrain repetition or continuance of breach.
3. Before granting injunction, Court to direct notice to opposite party.
4. Order for injunction may be discharged, varied or set aside.
5. Injunction to corporation binding on its officers.

Interlocutory orders.

6. Power to order interim sale.
7. Detention, preservation, inspection, etc., of subject-matter of suit.
8. Application for such orders to be after notice.
9. When party may be put in immediate possession of land the subject-matter of suit.
10. Deposit of money, etc., in Court.

ORDER XL.

Appointment of receivers.

1. Appointment of receivers.
2. Remuneration.
3. Duties.
4. Enforcement of receiver's duties.
5. When Deputy Commissioner may be appointed receiver.

ORDER XLI.

Appeals from original decrees.

1. Form of appeal.
   What to accompany memorandum.
   Contents of memorandum.
2. Grounds which may be taken in appeal.
3. Rejection or amendment of memorandum.
4. One of several plaintiffs or defendants may obtain reversal of whole decree where it proceeds on ground common to all.

Stay of proceedings and of execution.

5. Stay by Appellate Court.
   Stay by Court which passed the decree.
6. Security in case of order for execution of decree appealed from.
7. No security to be required from the Government or a public officer in certain cases.
8. Exercise of powers in appeal from order made in execution of decree.

Procedure on admission of appeal.

9. Registry of memorandum of appeal.
   Register of appeals.
10. Appellate Court may require appellant to furnish security for costs.
    Where appellant resides out of Mysore.
11. Power to dismiss appeal without sending notice to lower Court.
12. Day for hearing appeal.
13. Appellate Court to give notice to Court whose decree appealed from.
    Transmission of papers to Appellate Court.
    Copies of exhibits in Court whose decree appealed from.
14. Publication and service of notice of day for hearing appeal.
    Appellate Court may itself cause notice to be served.
15. Contents of notice.

RULES.

Procedure on hearing.

16. Right to begin.
17. Dismissal of appeal for appellant's default.
Hearing appeal *ex parte*.
18. Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs.
19. Re-admission of appeal dismissed for default.
20. Power to adjourn hearing, and direct persons appearing interested to be made respondents.
21. Re-hearing on application of respondent against whom *ex parte* decree made.
22. Upon hearing, respondent may object to decree as if he had preferred separate appeal.
Form of objection and provisions applicable thereto.
23. Remand of case by Appellate Court.
24. Where evidence on record sufficient, Appellate Court may determine case finally.
25. Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed from.
26. Findings and evidence to be put on record.
Objections to finding.
Determination of appeal.
27. Production of additional evidence in Appellate Court.
28. Mode of taking additional evidence.
29. Points to be defined and recorded.

Judgment in appeal.

30. Judgment when and where pronounced.
31. Contents, date and signature of judgment.
32. What judgment may direct.
33. Power of Court of Appeal.
34. Dissent to be recorded.

Decree in appeal.

35. Date and contents of decree.
Judge dissenting from judgment need not sign decree.
36. Copies of judgment and decree to be furnished to parties.
37. Certified copy of decree to be sent to Court whose decree appealed from.

ORDER XLII.

Appeals from appellate decrees.

1. Procedure.

ORDER XLIII.

Appeals from orders.

1. Appeals from orders.
2. Procedure.

ORDER XLIV.

Pauper appeals.

1. Who may appeal as pauper.
Procedure on application for admission of appeal.
2. Inquiry into pauperism.

ORDER XLVI.

Reference.

1. Reference of question to Chief Court.
2. Court may pass decree contingent upon decision of Chief Court.
3. Judgment of Chief Court to be transmitted, and case disposed of accordingly.
4. Costs of reference to Chief Court.
5. Power to alter, etc., decree of Court making reference.
6. Power to refer to Chief Court questions as to jurisdiction in small causes.
7. Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in small causes.

RULES.

ORDER XLVII.

Review.

1. Application for review of judgment.
2. To whom applications for review may be made.
3. Form of applications for review.
4. Application where rejected.
   Application where granted.
5. Application for review in Court consisting of two or more Judges.
6. Application where rejected.
7. Order of rejection not appealable.
   Objections to order granting application.
8. Registry of application granted, and order for re-hearing.
9. Bar of certain applications.

ORDER XLVIII.

Miscellaneous.

1. Process to be served at expense of party issuing.
   Costs of service.
2. Orders and notices how served.
3. Use of forms in appendices.

ORDER L.

Small Cause Courts.

1. Small Cause Courts.

APPENDICES TO THE FIRST SCHEDULE.

FORMS.

A.—PLEADINGS.

1. Titles of suits.
2. Description of parties in particular cases.
3. Plaints.
4. Written statements.

B.—PROCESS.

C.—DISCOVERY, INSPECTION AND ADMISSION.

D.—DECREES.

E.—EXECUTION.

F.—SUPPLEMENTAL PROCEEDINGS.

G.—APPEAL, REFERENCE AND REVIEW.

H.—MISCELLANEOUS.

The First Schedule.

ORDER I.

Parties to suits.

Who may be joined as plaintiffs.

1. All persons may be joined in one suit as plaintiffs in whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist, whether jointly, severally or in the alternative, where, if such persons brought separate suits, any common question of law or fact would arise.

Power of Court to order separate trials.

2. Where it appears to the Court that any joinder of plaintiffs may embarrass or delay the trial of the suit, the Court may put the plaintiffs to their election or order separate trials or make such other order as may be expedient.

Who may be joined as defendants.

3. All persons may be joined as defendants against whom any right to relief in respect of or arising out of the same act or transaction or series of acts or transactions is alleged to exist, whether jointly, severally or in the alternative, where if separate suits were brought against such persons any common question of law or fact would arise.

Court may give judgment for or against one or more of joint parties.

4. Judgment may be given without any amendment—

(*a*) for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to;

(*b*) against such one or more of the defendants as may be found to be liable according to their respective liabilities.

Defendant need not be interested in all the relief claimed.

5. It shall not be necessary that every defendant shall be interested as to all the relief claimed in any suit against him.

Joinder of parties liable on same contract.

6. The plaintiff may, at his option, join as parties to the same suit all or any of the persons severally, or jointly and severally, liable on any one contract, including parties to bills of exchange, hundis and promissory notes.

When plaintiff in doubt from whom redress is to be sought.

7. Where the plaintiff is in doubt as to the person from whom he is entitled to obtain redress, he may join two or more defendants in order that the question as to which of the defendants is liable, and to what extent, may be determined as between all parties.

One person may sue or defend on behalf of all in same interest.

8. (1) Where there are numerous persons having the same interest in one suit, one or more of such persons may, with the permission of the Court, sue or be sued, or may defend, in such suit, on behalf of or for the benefit of all persons so interested. But the Court shall in such case give, at the plaintiff's expense, notice of the institution of the suit to all such persons either by personal service or, where from the number of persons or any other cause such service is not reasonably practicable, by public advertisement, as the Court in each case may direct.

(2) Any person on whose behalf or for whose benefit a suit is instituted or defended under sub-rule (1) may apply to the Court to be made a party to such suit.

Misjoinder and non-joinder.

9. No suit shall be defeated by reason of the misjoinder or non-joinder of parties, and the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it.

Suit in name of wrong plaintiff.

10. (1) Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a *bonâ fide* mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

Court may strike out or add parties.

(2) The Court may at any stage of the proceedings either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(3) No person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without his consent.

Where defendant added, plaint to be amended.

(4) Where a defendant is added, the plaint shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons and of the plaint shall be served on the new defendant and, if the Court thinks fit, on the original defendant.

(5) Subject to the provisions of the Mysore Limitation Regulation, Section 22, the proceedings as against any person added as defendant shall be deemed to have begun only on the service of the summons.

Conduct of suit.

(6) The Court may give the conduct of the suit to such plaintiff or defendant as it deems proper.

Appearance of one of several plaintiffs or defendants for others.

12. (1) Where there are more plaintiffs than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding; and in like manner, where there are more defendants than one, any one or more of them may be authorized by any other of them to appear, plead or act for such other in any proceeding.

(2) The authority shall be in writing signed by the party giving it and shall be filed in Court.

Objections as to non-joinder or misjoinder.

13. All objections on the ground of non-joinder or misjoinder of parties shall be taken at the earliest possible opportunity and in all cases where issues are settled, at or before such settlement, unless the ground of objection has subsequently arisen, and any such objection not so taken shall be deemed to have been waived.

ORDER II.

Frame of suit.

Frame of suit.

1. Every suit shall, as far as practicable, be framed so as to afford ground for final decision upon the subjects in dispute and to prevent further litigation concerning them.

Order II (Rules 2—5).

Suit to include the whole claim.

2. (1) Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action; but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

Relinquishment of part of claim.

(2) Where a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Omission to sue for one of several reliefs.

(3) A person entitled to more than one relief in respect of the same cause of action may sue for all or any of such reliefs; but if he omits, except with the leave of the Court, to sue for all such reliefs, he shall not afterwards sue for any relief so omitted.

Explanation.—For the purposes of this rule an obligation and a collateral security for its performance and successive claims arising under the same obligation shall be deemed respectively to constitute but one cause of action.

Illustration.

A lets a house to B at a yearly rent of Rs. 1,200. The rent for the whole of the years 1905, 1906 and 1907 is due and unpaid. A sues B in 1908 only for the rent due for 1906. A shall not afterwards sue B for the rent due for 1905 or 1907.

Joinder of causes of action.

3. (1) Save as otherwise provided, a plaintiff may unite in the same suit several causes of action against the same defendant, or the same defendants jointly; and any plaintiffs having causes of action in which they are jointly interested against the same defendant or the same defendants jointly may unite such causes of action in the same suit.

(2) Where causes of action are united, the jurisdiction of the Court as regards the suit shall depend on the amount or value of the aggregate subject-matters at the date of instituting the suit.

Only certain claims to be joined for recovery of immovable property.

4. No cause of action shall, unless with the leave of the Court, be joined with a suit for the recovery of immovable property, except—

(*a*) claims for mesne profits or arrears of rent in respect of the property claimed or any part thereof;

(*b*) claims for damages for breach of any contract under which the property or any part thereof is held; and

(*c*) claims in which the relief sought is based on the same cause of action:

Provided that nothing in this rule shall be deemed to prevent any party in a suit for foreclosure or redemption from asking to be put into possession of the mortgaged property.

Claims by or against executor, administrator or heir.

5. No claim by or against an executor, administrator or heir, as such, shall be joined with claims by or against him personally, unless the last-mentioned claims are alleged to arise with reference to the estate in respect of which the plaintiff or defendant sues or is sued as executor, administrator or heir, or are such as he was entitled to, or liable for, jointly, with the deceased person whom he represents.

Power of Court to order separate trials.

6. Where it appears to the Court that any causes of action joined in one suit cannot be conveniently tried or disposed of together, the Court may order separate trials or make such other order as may be expedient.

Objections as to misjoinder.

7. All objections on the ground of misjoinder of causes of action shall be taken at the earliest possible opportunity and, in all cases where issues are settled, at or before such settlement, unless the ground of objection has subsequently arisen, and any such objection not so taken shall be deemed to have been waived.

ORDER III.

Recognized agents and pleaders.

Appearances, etc., may be in person, by recognized agent or by pleader.

1. Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party in such Court, may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Court so directs, be made by the party in person.

Recognized agents.

2. The recognized agents of parties by whom such appearances, applications and acts may be made or done are—

(*a*) persons holding powers-of-attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

(*b*) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

Service of process on recognized agent.

3. (1) Processes served on the recognized agent of a party shall be as effectual as if the same had been served on the party in person, unless the Court otherwise directs.

(2) The provisions for the service of process on a party to a suit shall apply to the service of process on his recognized agent.

Appointment of pleader.

4. (1) The appointment of a pleader to make or do any appearance, application or act for any person shall be in writing, and shall be signed by such person or by his recognized agent or by some other person duly authorized by power-of-attorney to act in this behalf.

(2) Every such appointment, when accepted by a pleader, shall be filed in Court, and shall be considered to be in force until determined with the leave of the Court, by a writing signed by the client or the pleader, as the case may be, and filed in Court, or until the client or the pleader dies or until all proceedings in the suit are ended so far as regards the client.

Service of process on pleader.

5. Any process served on the pleader of any party or left at the office or ordinary residence of such pleader, and whether the same is for the personal appearance of the

party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents, and, unless the Court otherwise directs, shall be as effectual for all purposes as if the same had been given to or served on the party in person.

Agent to accept service.

6. (1) Besides the recognized agents described in Rule 2, any person residing within the jurisdiction of the Court may be appointed an agent to accept service of process.

Appointment to be in writing and to be filed in Court.

(2) Such appointment may be special or general and shall be made by an instrument in writing signed by the principal, and such instrument or, if the appointment is general, a certified copy thereof shall be filed in Court.

ORDER IV.

Institution of suits.

Suit to be commenced by plaint.

1. (1) Every suit shall be instituted by presenting a plaint to the Court or such officer as it appoints in this behalf.

(2) Every plaint shall comply with the rules contained in Orders VI and VII, so far as they are applicable.

Register of suits.

2. The Court shall cause the particulars of every suit to be entered in a book to be kept for the purpose and called the register of civil suits. Such entries shall be numbered in every year according to the order in which the plaints are admitted.

ORDER V.

Issue and service of summons.

ISSUE OF SUMMONS.

Summons.

1. (1) When a suit has been duly instituted a summons may be issued to the defendant to appear and answer the claim on a day to be therein specified:

Provided that no such summons shall be issued when the defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim.

(2) A defendant to whom a summons has been issued under sub-rule (1) may appear—

(*a*) in person, or

(*b*) by a pleader duly instructed and able to answer all material questions relating to the suit, or

(*c*) by a pleader accompanied by some person able to answer all such questions.

(3) Every such summons shall be signed by the Judge or such officer as he appoints, and shall be sealed with the seal of the Court.

Copy or statement annexed to summons.

2. Every summons shall be accompanied by a copy of the plaint or, if so permitted, by a concise statement.

Court may order defendant or plaintiff to appear in person.

3. (1) Where the Court sees reason to require the personal appearance of the defendant, the summons shall order him to appear in person in Court on the day therein specified.

(2) Where the Court sees reason to require the personal appearance of the plaintiff on the same day, it shall make an order for such appearance.

No party to be ordered to appear in person unless resident within certain limits.

4. No party shall be ordered to appear in person unless he resides—

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

(*b*) without such limits but at a place less than fifty or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where the Court is situate), less than two hundred miles distance from the court-house.

Summons to be either to settle issues or for final disposal.

5. The Court shall determine, at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit; and the summons shall contain a direction accordingly:

Provided that in every suit heard by a Court of Small Causes, the summons shall be for the final disposal of the suit.

Fixing day for appearance of defendant.

6. The day for the appearance of the defendant shall be fixed with reference to the current business of the Court, the place of residence of the defendant and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant sufficient time to enable him to appear and answer on such day.

Summons to order defendant to produce documents relied on by him.

7. The summons to appear and answer shall order the defendant to produce all documents in his possession or power upon which he intends to rely in support of his case.

On issue of summons for final disposal, defendant to be directed to produce his witnesses.

8. Where the summons is for the final disposal of the suit, it shall also direct the defendant to produce, on the day fixed for his appearance, all witnesses upon whose evidence he intends to rely in support of his case.

SERVICE OF SUMMONS.

Delivery or transmission of summons for service.

9. (1) Where the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall, unless the Court otherwise directs, be delivered or sent to the proper officer to be served by him or one of his subordinates.

(2) The proper officer may be an officer of a Court other than that in which the suit is instituted, and, where he is such an officer, the summons may be sent to him by post or in such other manner as the Court may direct.

Mode of service.

10. Service of the summons shall be made by delivering or tendering a copy thereof signed by the Judge or such officer as he appoints in this behalf, and sealed with the seal of the Court.

Service on several defendants.

11. Save as otherwise prescribed, where there are more defendants than one, service of the summons shall be made on each defendant.

Service to be on defendant in person when practicable or on his agent.

12. Wherever it is practicable, service shall be made on the defendant in person, unless he has an agent empowered

to accept service, in which case service on such agent shall be sufficient.

Service on agent by whom defendant carries on business.

13. (1) In a suit relating to any business or work against a person who does not reside within the local limits of the jurisdiction of the Court from which the summons is issued, service on any manager or agent, who, at the time of service, personally carries on such business or work for such person within such limits, shall be deemed good service.

(2) For the purpose of this rule the master of a ship shall be deemed to be the agent of the owner or charterer.

Service on agent in charge in suits for immovable property.

14. Where in a suit to obtain relief respecting, or compensation for wrong to, immovable property, service cannot be made on the defendant in person, and the defendant has no agent empowered to accept the service, it may be made on any agent of the defendant in charge of the property.

Where service may be on male member of defendant's family.

15. Where in any suit the defendant cannot be found and has no agent empowered to accept service of the summons on his behalf, service may be made on any adult male member of the family of the defendant who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this rule.

Person served to sign acknowledgment.

16. Where the serving officer delivers or tenders a copy of the summons to the defendant personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

Procedure when defendant refuses to accept service, or cannot be found.

17. Where the defendant or his agent or such other person as aforesaid refuses to sign the acknowledgment, or where the serving officer, after using all due and reasonable diligence, cannot find the defendant, and there is no agent empowered to accept service of the summons on his behalf, nor any other person on whom service can be made, the serving officer shall affix a copy of the summons on the outer door or some other conspicuous part of the house in which the defendant ordinarily resides or carries on business or personally works for gain, and shall then return the original to the Court from which it was issued, with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

Endorsement of time and manner of service.

18. The serving officer shall, in all cases in which the summons has been served under rule 16, endorse or annex, or cause to be endorsed or annexed, on or to the original summons, a return stating the time when and the manner in which the summons was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons.

Examination of serving officer.

19. Where a summons is returned under rule 17, the Court shall, if the return under that rule has not been verified by the affidavit of the serving officer, and may, if it has been so verified, examine the serving officer on oath,

or cause him to be so examined by another Court, touching his proceedings, and may make such further inquiry in the matter as it thinks fit; and shall either declare that the summons has been duly served or order such service as it thinks fit.

Substituted service.

20. (1) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided or carried on business or personally worked for gain, or in such other manner as the Court thinks fit.

Effect of substituted service.

(2) Service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

Where service substituted, time for appearance to be fixed.

(3) Where service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.

Service of summons where defendant resides within jurisdiction of another Court.

21. A summons may be sent by the Court by which it is issued, either by one of its officers or by post to any Court (not being the Chief Court) having jurisdiction in the place where the defendant resides.

Duty of Court to which summons is sent.

23. The Court to which a summons is sent under rule 21, shall, upon receipt thereof, proceed as if it had been issued by such Court and shall then return the summons to the Court of issue, together with the record (if any) of its proceedings with regard thereto.

Service on defendant in prison.

24. Where the defendant is confined in a prison, the summons shall be delivered or sent by post or otherwise to the officer in charge of the prison for service on the defendant.

Service where defendant resides out of Mysore and has no agent.

25. Where the defendant resides out of Mysore, and has no agent in Mysore, empowered to accept service, the summons shall be addressed to the defendant at the place where he is residing and sent to him by post, if there is postal communication between such place and the place where the Court is situate.

Service in foreign territory through a Court or other authority.

26. Where Government has, by notification in the official Gazette, declared that any summons issued under this Code may be served by any Court or authority of the place where the defendant is residing, the summons may be sent to such Court or authority by post or otherwise for the purpose of being served upon the defendant; and, if the Court or authority returns the summons with an endorsement signed by the judge or other officer of the Court or authority that the summons has been served upon the defendant in manner hereinbefore directed, such endorsement shall be evidence of the service.

Service on civil public officer or on servant of railway company or local authority.

27. Where the defendant is a public officer not belonging to the Mysore Military Forces, or is the servant of a railway company or local authority, the Court may, if it appears to it that the summons may be most conveniently so served, send it for service on the defendant to the head of the office in which he is employed, together with a copy to be retained by the defendant.

Service on officers and soldiers in the Mysore Military Forces.

28. Where the defendant is an officer or a soldier in the Mysore Military Forces, the Court shall send the summons for service to his commanding officer together with a copy to be retained by the defendant.

Duty of person to whom summons is delivered or sent for service.

29. (1) Where a summons is delivered or sent to any person for service under rule 24, rule 27 or rule 28, such persons shall be bound to serve it, if possible, and to return it under his signature, with the written acknowledgment of the defendant, and such signature shall be deemed to be evidence of service.

(2) Where from any cause service is impossible, the summons shall be returned to the Court with a full statement of such cause and of the steps taken to procure service, and such statement shall be deemed to be evidence of non-service.

Substitution of letter for summons.

30. (1) The Court may, notwithstanding anything hereinbefore contained, substitute for a summons a letter signed by the judge or such officer as he may appoint in this behalf, where the defendant is, in the opinion of the Court, of a rank entitling him to such mark of consideration.

(2) A letter substituted under sub-rule (1) shall contain all the particulars required to be stated in a summons, and, subject to the provisions of sub-rule (3), shall be treated in all respects as a summons.

(3) A letter so substituted may be sent to the defendant by post or by a special messenger selected by the Court, or in any other manner which the Court thinks fit; and, where the defendant has an agent empowered to accept service, the letter may be delivered or sent to such agent.

ORDER VI.

Pleadings generally.

Pleading.

1. "Pleading" shall mean plaint or written statement.

Pleading to state material facts and not evidence.

2. Every pleading shall contain, and contain only, a statement in a concise form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved, and shall, when necessary, be divided into paragraphs, numbered consecutively. Dates, sums and numbers shall be expressed in figures.

Forms of pleading.

3. The forms in Appendix A when applicable, and where they are not applicable, forms of the like character, as nearly as may be, shall be used for all pleadings.

Particulars to be given where necessary.

4. In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence, and in all other cases in which particulars may be necessary beyond such as are exemplified in the forms aforesaid, particulars (with dates and items if necessary) shall be stated in the pleading.

Further and better statement, or particulars.

5. A further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading, may in all cases be ordered, upon such terms, as to costs and otherwise, as may be just.

Condition precedent.

6. Any condition precedent, the performance or occurrence of which is intended to be contested, shall be

distinctly specified in his pleading by the plaintiff or defendant, as the case may be; and, subject thereto, an averment of the performance or occurrence of all conditions precedent necessary for the case of the plaintiff or defendant shall be implied in his pleading.

Departure.

7. No pleading shall, except by way of amendment, raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the same.

Denial of contract.

8. Where a contract is alleged in any pleading, a bare denial of the same by the opposite party shall be construed only as a denial in fact of the express contract alleged or of the matters of fact from which the same may be implied, and not as a denial of the legality or sufficiency in law of such contract.

Effect of document to be stated.

9. Wherever the contents of any document are material, it shall be sufficient in any pleading to state the effect thereof as briefly as possible, without setting out the whole or any part thereof, unless the precise words of the document or any part thereof are material.

Malice, knowledge, etc.

10. Wherever it is material to allege malice, fraudulent intention, knowl edge or other condition of the mind of any person, it shall be sufficient to allege the same as a fact without setting out the circumstances from which the same is to be inferred.

Notice.

11. Wherever it is material to allege notice to any person of any fact, matter or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice or the circumstances from which such notice is to be inferred, are material.

Implied contract, or relation.

12. Whenever any contract or any relation between any persons is to be implied from a series of letters or conversations or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact, and to refer generally to such letters, conversations or circumstances without setting them out in detail. And if in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such circumstances, he may state the same in the alternative.

Presumptions of law.

13. Neither party need in any pleading allege any matter of fact which the law presumes in his favour or as to which the burden of proof lies upon the other side unless the same has first been specifically denied (*e.g.*, consideration for a bill of exchange where the plaintiff sues only on the bill, and not for the consideration as a substantive ground of claim).

Pleading to be signed.

14. Every pleading shall be signed by the party and his pleader (if any): Provided that where a party pleading is, by reason of absence or for other good cause, unable to sign the pleading, it may be signed by any person duly authorized by him to sign the same or to sue or defend on his behalf.

Verification of pleadings.

15. (1) Save as otherwise provided by any law for the time being in force, every pleading shall be verified at the foot by the party or by one of the parties pleading or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case.

(2) The person verifying shall specify, by reference to the numbered paragraphs of the pleading, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(3) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

Striking out pleadings.

16. The Court may at any stage of the proceedings order to be struck out or amended any matter in any pleading which may be unnecessary or scandalous or which may tend to prejudice, embarrass or delay the fair trial of the suit.

Amendment of pleadings.

17. The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties.

Failure to amend after order.

18. If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time as aforesaid or of such fourteen days, as the case may be, unless the time is extended by the Court.

ORDER VII.

Plaint.

Particulars to be contained in plaint.

1. The plaint shall contain the following particulars:—

(*a*) the name of the Court in which the suit is brought;

(*b*) the name, description and place of residence of the plaintiff;

(*c*) the name, description and place of residence of the defendant, so far as they can be ascertained;

(*d*) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;

(*e*) the facts constituting the cause of action and when it arose;

(*f*) the facts showing that the Court has jurisdiction;

(*g*) the relief which the plaintiff claims;

(*h*) where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and

(*i*) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of Court-fees, so far as the case admits.

In money suits.

2. Where the plaintiff seeks the recovery of money, the plaint shall state the precise amount claimed:

But where the plaintiff sues for mesne profits, or for an amount which will be found due to him on taking unsettled accounts between him and the defendant, the plaint shall state approximately the amount sued for.

Where the subject-matter of the suit is immovable property.

3. Where the subject-matter of the suit is immovable property, the plaint shall contain a description of the property sufficient to identify it, and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, the plaint shall specify such boundaries or numbers.

When plaintiff sues as representative.

4. Where the plaintiff sues in a representative character, the plaint shall show not only that he has an actual existing interest in the subject-matter, but that he has taken the steps (if any) necessary to enable him to institute a suit concerning it.

Defendant's interest and liability to be shown.

5. The plaint shall show that the defendant is or claims to be interested in the subject-matter, and that he is liable to be called upon to answer the plaintiff's demand.

Grounds of exemption from limitation-law.

6. Where the suit is instituted after the expiration of the period prescribed by the law of limitation, the plaint shall show the ground upon which exemption from such law is claimed.

Relief to be specifically stated.

7. Every plaint shall state specifically the relief which the plaintiff claims either simply or in the alternative, and it shall not be necessary to ask for general or other relief which may always be given as the Court may think just to the same extent as if it had been asked for. And the same rule shall apply to any relief claimed by the defendant in his written statement.

Relief founded on separate grounds.

8. Where the plaintiff seeks relief in respect of several distinct claims or causes of action founded upon separate and distinct grounds, they shall be stated, as far as may be, separately and distinctly.

Procedure on admitting plaint.

9. (1) The plaintiff shall endorse on the plaint, or annex thereto, a list of the documents (if any) which he has produced along with it; and, if the plaint is admitted, shall present as many copies on plain paper of the plaint as there are defendants, unless the Court by reason of the length of the plaint or the number of the defendants, or for any other sufficient reason, permits him to present a like number of concise statements of the nature of the claim made, or of the relief claimed in the suit, in which case he shall present such statements.

Concise statements.

(2) Where the plaintiff sues, or the defendant or any of the defendants is sued, in a representative capacity, such statements shall show in what capacity the plaintiff or defendant sues or is sued.

(3) The plaintiff may, by leave of the Court, amend such statements so as to make them correspond with the plaint.

(4) The chief ministerial officer of the Court shall sign such list and copies or statements if, on examination, he finds them to be correct.

Return of plaint.

10. (1) If, at any stage of the suit, the Court finds that it should have been instituted in another Court, the plaint shall be returned to be presented to such Court.

Procedure on returning plaint.

(2) On returning a plaint the Judge shall endorse thereon the date of its presentation and return, the name of the party presenting it, and a brief statement of the reasons for returning it.

Rejection of plaint.

11. The plaint shall be rejected in the following cases:—

(*a*) where it does not disclose a cause of action;

(*b*) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so:

(*c*) where the relief claimed is properly valued, but the plaint is written upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so:

(*d*) where the suit appears from the statement in the plaint to be barred by any law.

Procedure on rejecting plaint.

12. Where a plaint is rejected the Judge shall record an order to that effect with the reasons for such order.

Where rejection of plaint does not preclude presentation of fresh plaint.

13. The rejection of the plaint on any of the grounds hereinbefore mentioned shall not of its own force preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

Documents relied on in plaint.

Production of document on which plaintiff sues.

14. (1) Where a plaintiff sues upon a document in his possession or power, he shall produce it in Court when the plaint is presented, and shall at the same time deliver the document or a copy thereof to be filed with the plaint.

List of other documents.

(2) Where he relies on any other documents (whether in his possession or power or not) as evidence in support of his claim, he shall enter such documents in a list to be added or annexed to the plaint.

Statement in case of documents not in his possession or power.

15. Where any such document is not in the possession or power of the plaintiff, he shall, if possible, state in whose possession or power it is.

Suits on lost negotiable instruments.

16. Where the suit is founded upon a negotiable instrument, and it is proved that the instrument is lost, and an indemnity is given by the plaintiff, to the satisfaction of the Court, against the claims of any other person upon such instrument, the Court may pass such decree as it would have passed if the plaintiff had produced the instrument in Court when the plaint was presented, and had at the same time delivered a copy of the instrument to be filed with the plaint.

Production of shop-book.

17. (1) Save in so far as is otherwise provided by the Bankers' Books Evidence Regulation, 1902, where the document on which the plaintiff sues is an entry in a shop-book or other account, in his possession or power, the plaintiff shall produce the book or account at the time of filing the plaint, together with a copy of the entry on which he relies.

Original entry to be marked and returned.

(2) The Court, or such officer as it appoints in this behalf, shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original, shall, if it is found correct, certify it to be so and return the book to the plaintiff and cause the copy to be filed.

Inadmissibility of document not produced when plaint filed.

18. (1) A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint, and which is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(2) Nothing in this rule applies to documents produced for cross-examination of the defendant's witnesses, or in answer to any case set up by the defendant or handed to a witness merely to refresh his memory.

ORDER VIII.

Written statement and set-off.

Written statement.

1. The defendant may, and, if so required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defence.

New facts must be specially pleaded.

2. The defendant must raise by his pleading all matters which show the suit not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence as, if not raised, would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the plaint, as, for instance, fraud, limitation, release, payment, performance, or facts showing illegality.

Denial to be specific.

3. It shall not be sufficient for a defendant in his written statement to deny generally the grounds alleged by the plaintiff, but the defendant must deal specifically with each allegation of fact of which he does not admit the truth, except damages.

Evasive denial.

4. Where a defendant denies an allegation of fact in the plaint, he must not do so evasively, but answer the point of substance. Thus, if it is alleged that he received a certain sum of money, it shall not be sufficient to deny that he received that particular amount, but he must deny that he received that sum or any part thereof, or else set out how much he received. And if an allegation is made with divers circumstances, it shall not be sufficient to deny it along with those circumstances.

Specific denial.

5. Every allegation of fact in the plaint, if not denied specifically or by necessary implication, or stated to be not admitted in the pleading of the defendant, shall be taken to be admitted except as against a person under disability:

Provided that the Court may in its discretion require any fact so admitted to be proved otherwise than by such admission.

Particulars of set-off to be given in written statement.

6. (1) Where in a suit for the recovery of money the defendant claims to set off against the plaintiff's demand any ascertained sum of money legally recoverable by him from the plaintiff, not exceeding the pecuniary limits of the jurisdiction of the Court, and both parties fill the same character as they fill in the plaintiff's suit, the defendant may, at the first hearing of the suit, but not afterwards unless permitted by the Court, present a written statement containing the particulars of the debt sought to be set off.

Effect of set-off.

(2) The written statement shall have the same effect as a plaint in a cross-suit so as to enable the Court to pronounce a final judgment in respect both of the original claim and of the set-off: but this shall not affect the lien, upon the amount decreed, of any pleader in respect of the costs payable to him under the decree.

(3) The rules relating to a written statement by a defendant apply to a written statement in answer to a claim of set-off.

Illustrations.

(*a*) A bequeaths Rs. 2,000 to B and appoints C his executor and residuary legatee. B dies and D takes out administration to B's effects. C pays Rs. 1,000 as surety for D; then D sues C for the legacy. C cannot set off the debt of Rs. 1,000 against the legacy, for neither C nor D fills the same character with respect to the legacy as they fill with respect to the payment of the Rs. 1,000.

(*b*) A dies intestate and in debt to B. C takes out administration to A's effects and B buys part of the effects from C. In a suit for the purchase-money by C against B, the latter cannot set off the debt against the price, for C fills two different characters, one as the vendor to B, in which he sues B, and the other as representative to A.

(*c*) A sues B on a bill of exchange. B alleges that A has wrongfully neglected to insure B's goods and is liable to him in compensation which he claims to set off. The amount not being ascertained cannot be set off.

(*d*) A sues B on a bill of exchange for Rs. 500. B holds a judgment against A for Rs. 1,000, the two claims being both definite pecuniary demands may be set off.

(*e*) A sues B for compensation on account of trespass. B holds a promissory note for Rs. 1,000 from A and claims to set off that amount against any sum that A may recover in the suit. B may do so, for, as soon as A recovers, both sums are definite pecuniary demands.

(*f*) A and B sue C for Rs. 1,000. C cannot set off a debt due to him by A alone.

(*g*) A sues B and C for Rs. 1,000. B cannot set off a debt due to him alone by A.

(*h*) A owes the partnership firm of B and C Rs. 1,000. B dies, leaving C surviving. A sues C for a debt of Rs. 1,500 due in his separate character. C may set off the debt of Rs. 1,000.

Defence or set-off founded on separate grounds.

7. Where the defendant relies upon several distinct grounds of defence or set-off founded upon separate and distinct facts, they shall be stated, as far as may be, separately and distinctly.

New ground of defence.

8. Any ground of defence which has arisen after the institution of the suit or the presentation of a written statement claiming a set-off may be raised by the defendant or plaintiff, as the case may be, in his written statement.

Subsequent pleadings.

9. No pleading subsequent to the written statement of a defendant other than by way of defence to a set-off shall be presented except by the leave of the Court and

upon such terms as the Court thinks fit, but the Court may at any time require a written statement or additional written statement from any of the parties and fix a time for presenting the same.

Procedure when party fails to present written statement called for by Court.

10. Where any party from whom a written statement is so required fails to present the same within the time fixed by the Court, the Court may pronounce judgment against him, or make such order in relation to the suit as it thinks fit.

ORDER IX.

Appearance of parties and consequence of non-appearance.

Parties to appear on day fixed in summons for defendant to appear and answer.

1. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the Court-house in person or by their respective pleaders, and the suit shall then be heard unless the hearing is adjourned to a future day fixed by the Court.

Dismissal of suit where summons not served in consequence of plaintiff's failure to pay costs.

2. Where on the day so fixed it is found that the summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the Court-fee or postal charges (if any) chargeable for such service, the Court may make an order that the suit be dismissed:

Provided that no such order shall be made although the summons has not been served upon the defendant, if on the day fixed for him to appear and answer he attends in person or by agent when he is allowed to appear by agent.

Where neither party appears, suit to be dismissed.

3. Where neither party appears when the suit is called on for hearing, the Court may make an order that the suit be dismissed.

Plaintiff may bring fresh suit or Court may restore suit to file.

4. Where a suit is dismissed under rule 2 or rule 3, the plaintiff may (subject to the law of limitation) bring a fresh suit, or he may apply for an order to set the dismissal aside, and if he satisfies the Court that there was sufficient cause for his not paying the court-fee and postal charges (if any) required within the time fixed before the issue of the summons, or for his non-appearance, as the case may be, the Court shall make an order setting aside the dismissal and shall appoint a day for proceeding with the suit.

Dismissal of suit where plaintiff, after summons returned unserved, fails for a year to apply for fresh summons.

5. (1) Where, after a summons has been issued to the defendant, or to one of several defendants, and returned unserved, the plaintiff fails for a period of one year from the date of the return made to the Court by the officer ordinarily certifying to the Court returns made by the serving officers, to apply for the issue of a fresh summons and to satisfy the Court that he has used his best endeavours to discover the residence of the defendant who has not been served, or that such defendant is avoiding service of process, the Court may make an order that the suit be dismissed as against such defendant.

(2) In such case the plaintiff may (subject to the law of limitation) bring a fresh suit.

Procedure when only plaintiff appears.

6. (1) Where the plaintiff appears and the defendant does not appear when the suit is called on for hearing, then—

When summons duly served.

(*a*) If it is proved that the summons was duly served, the Court may proceed *ex parte*;

(*b*) If it is not proved that the summons was duly served, the Court shall direct a second summons to be issued and served on the defendant; When summons not duly served.

(*c*) If it is proved that the summons was served on the defendant, but not in sufficient time to enable him to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and shall direct notice of such day to be given to the defendant. When summons served but not in due time.

(2) Where it is owing to the plaintiff's default that the summons was not duly served or was not served in sufficient time, the Court shall order the plaintiff to pay the costs occasioned by the postponement.

7. Where the Court has adjourned the hearing of the suit *ex parte*, and the defendant, at or before such hearing, appears and assigns good cause for his previous non-appearance, he may, upon such terms as the Court directs as to costs or otherwise, be heard in answer to the suit as if he had appeared on the day fixed for his appearance. Procedure where defendant appears on day of adjourned hearing and assigns good cause for previous non-appearance.

8. Where the defendant appears and the plaintiff does not appear when the suit is called on for hearing, the Court shall make an order that the suit be dismissed, unless the defendant admits the claim, or part thereof, in which case the Court shall pass a decree against the defendant upon such admission, and, where part only of the claim has been admitted, shall dismiss the suit so far as it relates to the remainder. Procedure where defendant only appears.

9. (1) Where a suit is wholly or partly dismissed under rule 8, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action. But he may apply for an order to set the dismissal aside, and if he satisfies the Court that there was sufficient cause for his non-appearance when the suit was called on for hearing, the Court shall make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit. Decree against plaintiff by default bars fresh suit.

(2) No order shall be made under this rule unless notice of the application has been served on the opposite party.

10. Where there are more plaintiffs than one, and one or more of them appear, and the others do not appear, the Court may, at the instance of the plaintiff or plaintiffs appearing, permit the suit to proceed in the same way as if all the plaintiffs had appeared, or make such order as it thinks fit. Procedure in case of non-attendance of one or more of several plaintiffs.

11. Where there are more defendants than one, and one or more of them appear and the others do not appear, the suit shall proceed, and the Court shall, at the time of pronouncing judgment, make such order as it thinks fit with respect to the defendants who do not appear. Procedure in case of non-attendance of one or more of several defendants.

12. Where a plaintiff or defendant, who has been ordered to appear in person, does not appear in person, or show sufficient cause to the satisfaction of the Court for failing so to appear, he shall be subject to all the provisions of the foregoing rules applicable to plaintiffs and defendants, respectively, who do not appear. Consequence of non-attendance, without sufficient cause shown, of party ordered to appear in person.

Setting aside decrees ex parte.

Setting aside decree *ex parte* against defendant.

13. In any case in which a decree is passed *ex parte* against a defendant, he may apply to the Court by which the decree was passed for an order to set it aside; and if he satisfies the Court that the summons was not duly served, or that he was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall make an order setting aside the decree as against him upon such terms as to costs, payment into Court or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit:

Provided that where the decree is of such a nature that it cannot be set aside as against such defendant only it may be set aside as against all or any of the other defendants also.

No decree to be set aside without notice to opposite party.

14. No decree shall be set aside on any such application as aforesaid unless notice thereof has been served on the opposite party.

ORDER X.

Examination of parties by the Court.

Ascertainment whether allegations in pleadings are admitted or denied.

1. At the first hearing of the suit the Court shall ascertain from each party or his pleader whether he admits or denies such allegations of fact as are made in the plaint or written statement (if any) of the opposite party, and as are not expressly or by necessary implication admitted or denied by the party against whom they are made. The Court shall record such admissions and denials.

Oral examination of party, or companion of party.

2. At the first hearing of the suit, or at any subsequent hearing, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his pleader is accompanied, may be examined orally by the Court: and the Court may, if it thinks fit, put in the course of such examination questions suggested by either party.

Substance of examination to be written.

3. The substance of the examination shall be reduced to writing by the Judge, and shall form part of the record.

Consequence of refusal or inability of pleader to answer.

4. (1) Where the pleader of any party who appears by a pleader or any such person accompanying a pleader as is referred to in rule 2, refuses or is unable to answer any material question relating to the suit which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day and direct that such party shall appear in person on such day.

(2) If such party fails without lawful excuse to appear in person on the day so appointed, the Court may pronounce judgment against him, or make such order in relation to the suit as it thinks fit.

ORDER XI.

Discovery and inspection.

Discovery by interrogatories

1. In any suit the plaintiff or defendant by leave of the Court may deliver interrogatories in writing for the

examination of the opposite parties or any one or more of such parties, and such interrogatories when delivered shall have a note at the foot thereof stating which of such interrogatories each of such persons is required to answer: Provided that no party shall deliver more than one set of interrogatories to the same party without an order for that purpose: Provided also that interrogatories which do not relate to any matters in question in the suit shall be deemed irrelevant, notwithstanding that they might be admissible on the oral cross-examination of a witness.

Particular interrogatories to be submitted.

2. On an application for leave to deliver interrogatories, the particular interrogatories proposed to be delivered shall be submitted to the Court. In deciding upon such application, the Court shall take into account any offer, which may be made by the party sought to be interrogated, to deliver particulars, or to make admissions, or to produce documents relating to the matters in question, or any of them, and leave shall be given as to such only of the interrogatories submitted as the Court shall consider necessary either for disposing fairly of the suit or for saving costs.

Costs of interrogatories.

3. In adjusting the costs of the suit inquiry shall, at the instance of any party, be made into the propriety of exhibiting such interrogatories, and if it is the opinion of the taxing officer or of the Court, either with or without an application for enquiry, that such interrogatories have been exhibited unreasonably, vexatiously, or at improper length, the costs occasioned by the said interrogatories and the answers thereto shall be paid in any event by the party in fault.

Form of interrogatories.

4. Interrogatories shall be in Form No. 2 in Appendix C, with such variations as circumstances may require.

Corporations.

5. Where any party to a suit is a corporation or a body of persons, whether incorporated or not, empowered by law to sue or be sued, whether in its own name or in the name of any officer or other person, any opposite party may apply for an order allowing him to deliver interrogatories to any member or officer of such corporation or body, and an order may be made accordingly.

Objections to interrogatories by answer.

6. Any objection to answering any interrogatory on the ground that it is scandalous or irrelevant or not exhibited *bonâ fide* for the purpose of the suit, or that the matters inquired into are not sufficiently material at that stage, or on any other ground, may be taken in the affidavit in answer.

Setting aside and striking out interrogatories.

7. Any interrogatories may be set aside on the ground that they have been exhibited unreasonably or vexatiously, or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous; and any application for this purpose may be made within seven days after service of the interrogatories.

Affidavit in answer, filing.

8. Interrogatories shall be answered by affidavit to be filed within ten days, or within such other time as the Court may allow.

Form of affidavit in answer.

9. An affidavit in answer to interrogatories shall be in Form No. 3 in Appendix C, with such variations as circumstances may require.

No exception to be taken.

10. No exceptions shall be taken to any affidavit in answer, but the sufficiency of any such affidavit objected to as insufficient shall be determined by the Court.

Order to answer or answer further.

11. Where any person interrogated omits to answer, or answers insufficiently, the party interrogating may apply to the Court for an order requiring him to answer, or to answer further, as the case may be. And an order may be made requiring him to answer or answer further, either by affidavit or by *viva voce* examination, as the Court may direct.

Application for discovery of documents.

12. Any party may, without filing any affidavit, apply to the Court for an order directing any other party to any suit to make discovery on oath of the documents which are or have been in his possession or power, relating to any matter in question therein. On the hearing of such application the Court may either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at that stage of the suit, or make such order, either generally or limited to certain classes of documents, as may, in its discretion, be thought fit: Provided that discovery shall not be ordered when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

Affidavit of documents.

13. The affidavit to be made by a party against whom such order as is mentioned in the last preceding rule has been made, shall specify which (if any) of the documents therein mentioned he objects to produce, and it shall be in Form No. 5 in Appendix C, with such variations as circumstances may require.

Production of documents.

14. It shall be lawful for the Court, at any time during the pendency of any suit, to order the production by any party thereto, upon oath, of such of the documents in his possession or power, relating to any matter in question in such suit, as the Court shall think right; and the Court may deal with such documents, when produced, in such manner as shall appear just.

Inspection of documents referred to in pleadings or affidavits.

15. Every party to a suit shall be entitled at any time to give notice to any other party, in whose pleadings or affidavits reference is made to any document, to produce such document for the inspection of the party giving such notice, or of his pleader, and to permit him or them to take copies thereof; and any party not complying with such notice shall not afterwards be at liberty to put any such document in evidence on his behalf in such suit unless he shall satisfy the Court that such document relates only to his own title, he being a defendant to the suit, or that he had some other cause or excuse which the Court shall deem sufficient for not complying with such notice, in which case the Court may allow the same to be put in evidence on such terms as to costs and otherwise as the Court shall think fit.

Notice to produce.

16. Notice to any party to produce any documents referred to in his pleading or affidavits shall be in Form No. 7 in Appendix C, with such variations as circumstances may require.

Time for inspection when notice given.

17. The party to whom such notice is given shall, within ten days from the receipt of such notice, deliver to the party giving the same a notice stating a time within

three days from the delivery thereof at which the documents, or such of them as he does not object to produce, may be inspected at the office of his pleader, or in the case of bankers' books or other books of account or books in constant use for the purposes of any trade or business, at their usual place of custody, and stating which (if any) of the documents he objects to produce, and on what ground. Such notice shall be in Form No. 8 in Appendix C, with such variations as circumstances may require.

Order for inspection.

18. (1) Where the party served with notice under rule 15 omits to give such notice of a time for inspection or objects to give inspection, or offers inspection elsewhere than at the office of his pleader, the Court may, on the application of the party desiring it, make an order for inspection in such place and in such manner as it may think fit: Provided that the order shall not be made when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

(2) Any application to inspect documents, except such as are referred to in the pleadings, particulars or affidavits of the party against whom the application is made or disclosed in his affidavit of documents, shall be founded upon an affidavit showing of what documents inspection is sought, that the party applying is entitled to inspect them, and that they are in the possession or power of the other party. The Court shall not make such order for inspection of such documents when and so far as the Court shall be of opinion that it is not necessary either for disposing fairly of the suit or for saving costs.

Verified copies.

19. (1) Where inspection of any business books is applied for, the Court may, if it thinks fit, instead of ordering inspection of the original books, order a copy of any entries therein to be furnished and verified by the affidavit of some person who has examined the copy with the original entries, and such affidavit shall state whether or not there are in the original book any and what erasures, interlineations or alterations: Provided that, notwithstanding that such copy has been supplied, the Court may order inspection of the book from which the copy was made.

(2) Where on an application for an order for inspection privilege is claimed for any document, it shall be lawful for the Court to inspect the document for the purpose of deciding as to the validity of the claim of privilege.

(3) The Court may, on the application of any party to a suit at any time, and whether an affidavit of documents shall or shall not have already been ordered or made, make an order requiring any other party to state by affidavit whether any one or more specific documents, to be specified in the application, is or are, or has or have at any time been, in his possession or power; and, if not then in his possession, when he parted with the same and what has become thereof. Such application shall be made on an affidavit stating that in the belief of the deponent the party against whom the application is made has, or has at some time had, in his possession or power the document or documents specified in the application, and that they relate to the matters in question in the suit, or to some of them.

Premature discovery.

20. Where the party from whom discovery of any kind or inspection is sought objects to the same, or any part thereof, the Court may, if satisfied that the right to the discovery or inspection sought depends on the determination of any issue or question in dispute in the suit, or that for any other reason it is desirable that any issue or question in dispute in the suit should be determined before deciding upon the right to the discovery or inspection, order that such issue or question be determined first, and reserve the question as to the discovery or inspection.

Non-compliance with order for discovery.

21. Where any party fails to comply with any order to answer interrogatories, or for discovery or inspection of documents, he shall, if a plaintiff, be liable to have his suit dismissed for want of prosecution and, if a defendant, to have his defence, if any, struck out, and to be placed in the same possession as if he had not defended, and the party interrogating or seeking discovery or inspection may apply to the Court for an order to that effect, and an order may be made accordingly.

Using answers to interrogatories at trial.

22. Any party may, at the trial of a suit, use in evidence any one or more of the answers or any part of an answer of the opposite party to interrogatories without putting in the others or the whole of such answer: Provided always that in such case the Court may look at the whole of the answers, and if it shall be of opinion that any others of them are so connected with those put in that the last-mentioned answers ought not to be used without them, it may direct them to be put in.

Order to apply to minors.

23. This Order shall apply to minor plaintiffs and defendants, and to the next friends and guardians for the suit of persons under disabilty.

ORDER XII.

Admissions.

Notice of admission of case.

1. Any party to a suit may give notice, by his pleading, or otherwise in writing, that he admits the truth of the whole or any part of the case of any other party.

Notice to admit docu-

2. Either party may call upon the other party to admit any document, saving all just exceptions; and in case of refusal or neglect to admit, after such notice, the costs of proving any such document shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs; and no costs of proving any document shall be allowed unless such notice is given, except where the omission to give the notice is, in the opinion of the Court, a saving of expense.

Form of notice.

3. A notice to admit documents shall be in Form No. 9 in Appendix C, with such variations as circumstances may require.

Notice to admit facts.

4. Any party may, by notice in writing, at any time not later than nine days before the day fixed for the hearing, call on any other party to admit, for the purposes of the suit only, any specific fact or facts mentioned in such notice. And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by the Court, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the suit may be, unless the Court otherwise directs: Provided

that any admission made in pursuance of such notice is to be deemed to be made only for the purposes of the particular suit, and not as an admission to be used against the party on any other occasion or in favour of any person other than the party giving the notice: Provided also that the Court may at any time allow any party to amend or withdraw any admission so made on such terms as may be just.

Form of admissions.

5. A notice to admit facts shall be in Form No. 10 in Appendix C, and admissions of facts shall be in Form No. 11 in Appendix C, with such variations as circumstances may require.

Judgment on admissions.

6. Any party may at any stage of a suit, where admissions of fact have been made, either on the pleadings, or otherwise, apply to the Court for such judgment or order as upon such admissions he may be entitled to, without waiting for the determination of any other question between the parties: and the Court may upon such application make such order, or give such judgment, as the Court may think just.

Affidavit of signature.

7. An affidavit of the pleader or his clerk, of the due signature of any admissions made in pursuance of any notice to admit documents or facts, shall be sufficient evidence of such admissions, if evidence thereof is required.

Notice to produce documents.

8. Notice to produce documents shall be in Form No. 12 in Appendix C, with such variations as circumstances may require. An affidavit of the pleader, or his clerk, of the service of any notice to produce, and of the time when it was served, with a copy of the notice to produce, shall in all cases be sufficient evidence of the service of the notice, and of the time when it was served.

Costs.

9. If a notice to admit or produce specifies documents which are not necessary, the costs occasioned thereby shall be borne by the party giving such notice.

ORDER XIII.

Production, impounding and return of documents.

Documentary evidence to be produced at first hearing.

1. (1) The parties or their pleaders shall produce, at the first hearing of the suit, all the documentary evidence of every description in their possession or power, on which they intend to rely, and which has not already been filed in Court, and all documents which the Court has ordered to be produced.

(2) The Court shall receive the documents so produced, provided that they are accompanied by an accurate list thereof prepared in such form as the Chief Court directs.

Effect of non-production of documents.

2. No documentary evidence in the possession or power of any party which should have been but has not been produced in accordance with the requirements of rule 1 shall be received at any subsequent stage of the proceedings unless good cause is shown to the satisfaction of the Court for the non-production thereof; and the Court receiving any such evidence shall record the reasons for so doing.

Rejection of irrelevant or inadmissible documents.

3. The Court may at any stage of the suit reject any document which it considers irrelevant or otherwise inadmissible, recording the grounds of such rejection.

Endorsements on documents admitted in evidence.

4. (1) Subject to the provisions of the next following sub-rule, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely:—

(*a*) the number and title of the suit,

(*b*) the name of the person producing the document,

(*c*) the date on which it was produced, and

(*d*) a statement of its having been so admitted;

and the endorsement shall be signed or initialled by the Judge.

(2) Where a document so admitted is an entry in a book, account or record, and a copy thereof has been substituted for the original under the next following rule, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed or initialled by the Judge.

Endorsements on copies of admitted entries in books, accounts and records.

5. (1) Save in so far as is otherwise provided by the Bankers' Books Evidence Regulation, 1902, where a document admitted in evidence in the suit is an entry in a letter-book or a shop-book or other account in current use, the party on whose behalf the book or account is produced may furnish a copy of the entry.

(2) Where such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

(*a*) where the record, book or account is produced on behalf of a party, then by that party, or

(*b*) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

(3) Where a copy of an entry is furnished under the foregoing provisions of this rule, the Court shall, after causing the copy to be examined, compared and certified in manner mentioned in rule 17 of Order VII, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

Endorsements on documents rejected as inadmissible in evidence.

6. Where a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (*a*), (*b*) and (*c*) of rule 4, sub-rule (1), together with a statement of its having been rejected, and the endorsement shall be signed or initialled by the Judge.

Recording of admitted and return of rejected documents.

7. (1) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under rule 5, shall form part of the record of the suit.

(2) Documents not admitted in evidence shall not form part of the record and shall be returned to the persons respectively producing them.

Court may order any document to be impounded.

8. Notwithstanding anything contained in rule 5 or rule 7 of this Order or in rule 17 of Order VII, the Court may, if it sees sufficient cause, direct any document or

book produced before it in any suit to be impounded and kept in the custody of an officer of the Court, for such period and subject to such conditions as the Court thinks fit.

Return of admitted documents.

9. (1) Any person, whether a party to the suit or not, desirous of receiving back any document produced by him in the suit and placed on the record shall, unless the document is impounded under rule 8, be entitled to receive back the same,—

(*a*) where the suit is one in which an appeal is not allowed, when the suit has been disposed of, and

(*b*) where the suit is one in which an appeal is allowed, when the Court is satisfied that the time for preferring an appeal has elapsed and that no appeal has been preferred or, if an appeal has been preferred, when the appeal has been disposed of:

Provided that a document may be returned at any time earlier than that prescribed by this rule if the person applying therefor delivers to the proper officer a certified copy to be substituted for the original and undertakes to produce the original if required to do so:

Provided also that no document shall be returned which, by force of the decree, has become wholly void or useless.

(2) On the return of a document admitted in evidence a receipt shall be given by the person receiving it.

Court may send for papers from its own records or from other Courts.

10. (1) The Court may of its own motion, and may in its discretion upon the application of any of the parties to a suit, send for, either from its own records or from any other Court, the record of any other suit or proceeding, and inspect the same.

(2) Every application made under this rule shall (unless the Court otherwise directs) be supported by an affidavit showing how the record is material to the suit in which the application is made, and that the applicant cannot without unreasonable delay or expense obtain a duly authenticated copy of the record or of such portion thereof as the applicant requires, or that the production of the original is necessary for the purposes of justice.

(3) Nothing contained in this rule shall be deemed to enable the Court to use in evidence any document which under the law of evidence would be inadmissible in the suit.

Provisions as to documents applied to material objects.

11. The provisions herein contained as to documents shall, so far as may be, apply to all other material objects producible as evidence.

ORDER XIV.

Settlement of Issues and Determination of Suit on Issues of Law or on Issues agreed upon.

Framing of issues.

1. (1) Issues arise when a material proposition of fact or law is affirmed by the one party and denied by the other.

(2) Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue or a defendant must allege in order to constitute his defence.

(3) Each material proposition affirmed by one party and denied by the other shall form the subject of a distinct issue.

(4) Issues are of two kinds: (*a*) issues of fact, (*b*) issues of law.

(5) At the first hearing of the suit the Court shall, after reading the plaint and the written statements, if any, and after such examination of the parties as may appear necessary, ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues on which the right decision of the case appears to depend.

(6) Nothing in this rule requires the Court to frame and record issues where the defendant at the first hearing of the suit makes no defence.

Issues of law and of fact.

2. Where issues both of law and of fact arise in the same suit, and the Court is of opinion that the case or any part thereof may be disposed of on the issues of law only, it shall try those issues first, and for that purpose may, if it thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

Materials from which issues may be framed.

3. The Court may frame the issues from all or any of the following materials:—

(*a*) allegations made on oath by the parties, or by any persons present on their behalf, or made by the pleaders of such parties;

(*b*) allegations made in the pleadings or in answers to interrogatories delivered in the suit;

(*c*) the contents of documents produced by either party.

Court may examine witnesses or documents before framing issues.

4. Where the Court is of opinion that the issues cannot be correctly framed without the examination of some person not before the Court or without the inspection of some document not produced in the suit, it may adjourn the framing of the issues to a future day, and may (subject to any law for the time being in force) compel the attendance of any person or the production of any document by the person in whose possession or power it is by summons or other process.

Power to amend, and strike out issues.

5. (1) The Court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall be so made or framed.

(2) The Court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.

Questions of fact or law may by agreement be stated in form of issues.

6. Where the parties to a suit are agreed as to the question of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing that, upon the finding of the Court in the affirmative or the negative of such issue,—

(*a*) a sum of money specified in the agreement or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of the parties to the other of them, or that one of them be declared entitled to some right or subject to some liability specified in the agreement;

(*b*) some property specified in the agreement and in dispute in the suit shall be delivered by one of the parties to the other of them or as that other may direct; or

(*c*) one or more of the parties shall do or abstain from doing some particular act specified in the agreement and relating to the matter in dispute.

Court, if satisfied that agreement was executed in good faith, may pronounce judgment.

7. Where the Court is satisfied, after making such inquiry as it deems proper,—

(*a*) that the agreement was duly executed by the parties,

(*b*) that they have a substantial interest in the decision of such question as aforesaid, and

(*c*) that the same is fit to be tried and decided,

it shall proceed to record and try the issue and state its finding or decision thereon in the same manner as if the issue had been framed by the Court;

and shall, upon the finding or decision on such issue, pronounce judgment according to the terms of the agreement; and upon the judgment so pronounced, a decree shall follow.

ORDER XV.

Disposal of the suit at the first hearing.

Parties not at issue.

1. Where at the first hearing of a suit it appears that the parties are not at issue on any question of law or of fact, the Court may at once pronounce judgment.

One of several defendants not at issue.

2. Where there are more defendants than one, and any one of the defendants is not at issue with the plaintiff on any question of law or of fact, the Court may at once pronounce judgment for or against such defendant and the suit shall proceed only against the other defendants.

Parties at issue.

3. (1) Where the parties are at issue on some question of law or of fact, and issues have been framed by the Court as hereinbefore provided, if the Court is satisfied that no further argument or evidence than the parties can at once adduce is required upon such of the issues as may be sufficient for the decision of the suit, and that no injustice will result from proceeding with the suit forthwith, the Court may proceed to determine such issues, and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly, whether the summons has been issued for the settlement of issues only or for the final disposal of the suit:

Provided that, where the summons has been issued for the settlement of issues only, the parties or their pleaders are present and none of them objects.

(2) Where the finding is not sufficient for the decision, the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence, or for such further argument as the case requires.

Failure to produce evidence.

4. Where the summons has been issued for the final disposal of the suit and either party fails without sufficient cause to produce the evidence on which he relies, the Court may at once pronounce judgment, or may, if it thinks fit, after framing and recording issues, adjourn the suit for the production of such evidence as may be necessary for its decision upon such issues.

ORDER XVI.

Summoning and Attendance of Witnesses.

Summons to attend to give evidence or produce documents.

1. At any time after the suit is instituted, the parties may obtain, on application to the Court or to such other officer as it appoints in this behalf, summonses to persons whose attendance is required either to give evidence or to produce documents.

Expenses of witness to be paid into Court on applying for summons.

2. (1) The party applying for a summons shall, before the summons is granted and within a period to be fixed, pay into Court such a sum of money as appears to the Court to be sufficient to defray the travelling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, and for one day's attendance.

Experts.

(2) In determining the amount payable under this rule, the Court may, in the case of any person summoned to give evidence as an expert, allow reasonable remuneration for the time occupied both in giving evidence and in performing any work of an expert character necessary for the case.

Scale of expenses.

(3) In fixing the scale of such expenses, regard shall be had to any rules made by Government in that behalf.

Tender of expenses to witness.

3. The sum so paid into Court shall be tendered to the person summoned, at the time of serving the summons, if it can be served personally.

Procedure where insufficient sum paid in.

4. (1) Where it appears to the Court or to such officer as it appoints in this behalf that the sum paid into Court is not sufficient to cover such expenses or reasonable remuneration, the Court may direct such further sum to be paid to the person summoned as appears to be necessary on that account, and, in case of default in payment, may order such sum to be levied by attachment and sale of the movable property of the party obtaining the summons; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Expenses if witnesses detained more than one day.

(2) Where it is necessary to detain the person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as is sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order such sum to be levied by attachment and sale of the movable property of such party; or the Court may discharge the person summoned without requiring him to give evidence; or may both order such levy and discharge such person as aforesaid.

Time, place and purpose of attendance to be specified in summons.

5. Every summons for the attendance of a person to give evidence or to produce a document shall specify the time and place at which he is required to attend, and also whether his attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document, which the person summoned is called on to produce, shall be described in the summons with reasonable accuracy.

Summons to produce document.

6. Any person may be summoned to produce a document, without being summoned to give evidence; and any person summoned merely to produce a document

shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce the same.

Power to require persons present in Court to give evidence or produce document.

7. Any person present in Court may be required by the Court to give evidence or to produce any document then and there in his possession or power.

Summons how served.

8. Every summons under this order shall be served as nearly as may be in the same manner as a summons to a defendant, and the rules in Order V as to proof of service shall apply in the case of all summonses served under this rule.

Time for serving summons.

9. Service shall in all cases be made a sufficient time before the time specified in the summons for the attendance of the person summoned, to allow him a reasonable time for preparation and for travelling to the place at which his attendance is required.

Procedure where witness fails to comply with summons.

10. (1) Where a person to whom a summons has been issued either to attend to give evidence or to produce a document fails to attend or to produce the document in compliance with such summons, the Court shall, if the certificate of the serving-officer has not been verified by affidavit, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another Court, touching the service or non-service of the summons.

(2) Where the Court sees reason to believe that such evidence or production is material, and that such person has, without lawful excuse, failed to attend or to produce the document in compliance with such summons or has intentionally avoided service, it may issue a proclamation requiring him to attend to give evidence or to produce the document at a time and place to be named therein; and a copy of such proclamation shall be affixed on the outer door or other conspicuous part of the house in which he ordinarily resides.

(3) In lieu of or at the time of issuing such proclamation, or at any time afterwards, the Court may, in its discretion, issue a warrant, either with or without bail, for the arrest of such person, and may make an order for the attachment of his property to such amount as it thinks fit, not exceeding the amount of the costs of attachment and of any fine which may be imposed under rule 12.

Provided that no Court of Small Causes shall make an order for the attachment of immovable property.

If witness appears, attachment may be withdrawn.

11. Where, at any time after the attachment of his property, such person appears and satisfies the Court,—

(*a*) that he did not, without lawful excuse, fail to comply with the summons or intentionally avoid service, and,

(*b*) where he has failed to attend at the time and place named in a proclamation issued under the last preceding rule, that he had no notice of such proclamation in time to attend,

the Court shall direct that the property be released from attachment, and shall make such order as to the costs of the attachment as it thinks fit.

Procedure if witness fails to appear.

12. The Court may, where such person does not appear, or appears but fails so to satisfy the Court, impose upon him such fine not exceeding five hundred rupees as it thinks fit, having regard to his condition in life and all the circumstances of the case, and may order his property, or any part thereof, to be attached and sold or, if already attached under rule 10, to be sold for the purpose of satisfying all costs of such attachment, together with the amount of the said fine, if any:

Provided that, if the person whose attendance is required pays into Court the costs and fine aforesaid, the Court shall order the property to be released from attachment.

Mode of attachment.

13. The provisions with regard to the attachment and sale of property in the execution of a decree shall, so far as they are applicable, be deemed to apply to any attachment and sale under this Order as if the person whose property is so attached were a judgment-debtor.

Court may of its own accord summon as witnesses strangers to suit.

14. Subject to the provisions of this Code as to attendance and appearance and to any law for the time being in force, where the Court at any time thinks it necessary to examine any person other than a party to the suit and not called as a witness by a party to the suit, the Court may, of its own motion, cause such person to be summoned as a witness to give evidence, or to produce any document in his possession, on a day to be appointed, and may examine him as a witness or require him to produce such document.

Duty of persons summoned to give evidence or produce document.

15. Subject as last aforesaid, whoever is summoned to appear and give evidence in a suit shall attend at the time and place named in the summons for that purpose, and whoever is summoned to produce a document shall either attend to produce it, or cause it to be produced, at such time and place.

When they may depart.

16. (1) A person so summoned and attending shall, unless the Court otherwise directs, attend at each hearing until the suit has been disposed of.

(2) On the application of either party and the payment through the Court of all necessary expenses (if any), the Court may, if sufficient cause is shown, require any person so summoned and attending to furnish security to attend at the next or any other hearing or until the suit is disposed of and, in default of his furnishing such security, may order him to be detained in the civil prison.

Application of Rules 10 to 13.

17. The provisions of rules 10 to 13 shall, so far as they are applicable, be deemed to apply to any person who having attended in compliance with a summons departs, without lawful excuse, in contravention of rule 16.

Procedure where witness apprehended cannot give evidence or produce document.

18. Where any person arrested under a warrant is brought before the Court in custody and cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the Court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and, on such bail or security being given, may release him, and, in default of his giving such bail or security, may order him to be detained in the civil prison.

Order XVI (Rules 19—21), Order XVII (Rules 1—3) and Order XVIII (Rule 1).

19. No one shall be ordered to attend in person to give evidence unless he resides— No witness to be ordered to attend in person unless resident within certain limits.

(*a*) within the local limits of the Court's ordinary original jurisdiction, or

(*b*) without such limits but at a place less than fifty or (where there is railway communication for five-sixths of the distance between the place where he resides and the place where the Court is situate) less than two hundred miles distance from the Court-house.

20. Where any party to a suit present in Court refuses, without lawful excuse, when required by the Court, to give evidence or to produce any document then and there in his possession or power, the Court may pronounce judgment against him or make such order in relation to the suit as it thinks fit. Consequence of refusal of party to give evidence when called on by Court.

21. Where any party to a suit is required to give evidence or to produce a document, the provisions as to witnesses shall apply to him so far as they are applicable. Rules as to witnesses to apply to parties summoned.

ORDER XVII.

Adjournments.

1. (1) The Court may, if sufficient cause is shown, at any stage of the suit, grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit. Court may grant time and adjourn hearing.

(2) In every such case the Court shall fix a day for the further hearing of the suit, and may make such order as it thinks fit with respect to the costs occasioned by the adjournment: Costs of adjournment.

Provided that, when the hearing of evidence has once begun, the hearing of the suit shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

2. Where, on any day to which the hearing of the suit is adjourned, the parties or any of them fail to appear, the Court may proceed to dispose of the suit in one of the modes directed in that behalf by Order IX or make such other order as it thinks fit. Procedure if parties fail to appear on day fixed.

3. Where any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default, proceed to decide the suit forthwith. Court may proceed notwithstanding either party fails to produce evidence, etc.

ORDER XVIII.

Hearing of the suit and examination of witnesses.

1. The plaintiff has the right to begin unless the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant, the plaintiff is not entitled to any part of the relief which he seeks, in which case the defendant has the right to begin. Right to begin.

Statement and production of evidence

2. (1) On the day fixed for the hearing of the suit or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence (if any) and may then address the Court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

Evidence where several issues.

3. Where there are several issues, the burden of proving some of which lies on the other party, the party beginning may, at his option, either produce his evidence on those issues or reserve it by way of answer to the evidence produced by the other party; and, in the latter case, the party beginning may produce evidence on those issues after the other party has produced all his evidence and the other party may then reply specially on the evidence so produced by the party beginning; but the party beginning will then be entitled to reply generally on the whole case.

Witnesses to be examined in open Court.

4. The evidence of the witnesses in attendance shall be taken orally in open Court in the presence and under the personal direction and superintendence of the Judge.

How eivdence shall be taken in appealable cases.

5. In cases in which an appeal is allowed the evidence of each witness shall be taken down in writing, in the language of the Court, by or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative, and, when completed, shall be read over in the presence of the Judge and of the witness, and the Judge shall, if necessary, correct the same, and shall sign it.

When deposition to be interpreted.

6. Where the evidence is taken down in a language different from that in which it is given, and the witness does not understand the language in which it is taken down, the evidence as taken down in writing shall be interpreted to him in the language in which it is given.

Evidence under Section 138.

7. Evidence taken down under Section 138 shall be in the form prescribed by rule 5 and shall be read over and signed and, as occasion may require, interpreted and corrected as if it were evidence taken down under that rule.

Memorandum when evidence not taken down by Judge.

8. Where the evidence is not taken down in writing by the Judge, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what each witness deposes, and such memorandum shall be written and signed by the Judge and shall form part of the record.

When evidence may be taken in English.

9. Where English is not the language of the Court, but all the parties to the suit who appear in person, and the pleaders of such as appear by pleaders, do not object to have such evidence as is given in English taken down in English, the Judge may so take it down.

Any particular question and answer may be taken down.

10. The Court may, of its own motion or on the application of any party or his pleader, take down any particular question and answer, or any objection to any question, if there appears to be any special reason for so doing.

Order XVIII (Rules 11—18).

Questions objected to and allowed by Court.

11. Where any question put to a witness is objected to by a party or his pleader, and the Court allows the same to be put, the Judge shall take down the question, the answer, the objection and the name of the person making it, together with the decision of the Court thereon.

Remarks on demeanour of witnesses.

12. The Court may record such remarks as it thinks material respecting the demeanour of any witness while under examination.

Memorandum of evidence in unappealable cases.

13. In cases in which an appeal is not allowed, it shall not be necessary to take down the evidence of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what he deposes, and such memorandum shall be written and signed by the Judge and shall form part of the record.

Judge unable to make such memorandum to record reasons of his inability.

14. (1) Where the Judge is unable to make a memorandum as required by this Order, he shall cause the reason of such inability to be recorded, and shall cause the memorandum to be made in writing from his dictation in open Court.

(2) Every memorandum so made shall form part of the record.

Power to deal with evidence taken before another Judge.

15. (1) Where a Judge is prevented by death, transfer or other cause from concluding the trial of a suit, his successor may deal with any evidence or memorandum taken down or made under the foregoing rules as if such evidence or memorandum had been taken down or made by him or under his direction under the said rules and may proceed with the suit from the stage at which his predecessor left it.

(2) The provisions of sub-rule (1) shall, so far as they are applicable, be deemed to apply to evidence taken in a suit transferred under Section 24.

Power to examine witness immediately.

16. (1) Where a witness is about to leave the jurisdiction of the Court, or other sufficient cause is shown to the satisfaction of the Court why his evidence should be taken immediately, the Court may, upon the application of any party or of the witness, at any time after the institution of the suit, take the evidence of such witness in manner hereinbefore provided.

(2) Where such evidence is not taken forthwith and in the presence of the parties, such notice as the Court thinks sufficient, of the day fixed for the examination, shall be given to the parties.

(3) The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him, and the Judge shall, if necessary, correct the same and shall sign it, and it may then be read at any hearing of the suit.

Court may recall and examine witness.

17. The Court may at any stage of a suit recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the Court thinks fit.

Power of Court to inspect.

18. The Court may at any stage of a suit inspect any property or thing concerning which any question may arise.

ORDER XIX.

Affidavits.

Power to order any point to be proved by affidavit.

1. Any Court may at any time for sufficient reason order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, on such conditions as the Court thinks reasonable.

Provided that where it appears to the Court that either party *bonâ fide* desires the production of a witness for cross-examination, and that such witness can be produced, an order shall not be made authorizing the evidence of such witness to be given by affidavit.

Power to order attendance of deponent for cross-examination.

2. (1) Upon any application evidence may be given by affidavit, but the Court may, at the instance of either party, order the attendance for cross-examination of the deponent.

(2) Such attendance shall be in Court, unless the deponent is exempted from personal appearance in Court, or the Court otherwise directs.

Matters to which affidavits shall be confined.

3. (1) Affidavits shall be confied to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted: provided that the grounds thereof are stated.

(2) The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall (unless the Court otherwise directs) be paid by the party filing the same.

ORDER XX.

Judgment and decree.

Judgment when pronounced.

1. The Court, after the case has been heard, shall pronounce judgment in open Court either at once or on some future day, of which due notice shall be given to the parties or their pleaders.

Power to pronounce Judgment written by Judge's predecessor.

2. A Judge may pronounce a judgment written but not pronounced by his predecessor.

Judgment to be signed.

3. The judgment shall be dated and signed by the Judge in open court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save as provided by Section 152 or on review.

Judgments of small Cause Courts.

4. (1) Judgments of a court of Small Causes need not contain more than the points for determination and the decision thereon.

Judgments of other Courts.

(2) Judgments of other courts shall contain a concise stament of the case, the points for determination, the decision thereon, and the reasons for such decision.

Court to state its decision on ach issue.

5. In suits in which issues have been framed, the court shall state its finding or decision, with the reasons therefor, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the suit.

Contents of decree.

6. (1) The decree shall agree with the judgment: it shall contain the number of the suit, the names and descriptions of the parties and particulars of the claim and shall specify clearly the relief granted or other determination of the suit.

(2) The decree shall also state the amount of costs incurred in the suit, and by whom or out of what property and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

Date of decree

7. The decree shall bear date the day on which the judgment was pronounced, and, when the Judge has satisfied himself that the decree has been drawn up in accordance with the judgment, he shall sign the decree.

Procedure where Judge has vacated office before signing decree.

8. Where a Judge has vacated office after pronouncing judgment but without signing the decree, a decree drawn up in accordance with such judgment may be signed by his successor or, if the Court has ceased to exist, by the Judge of any Court to which such Court was subordinate.

Decree for recovery of immovable property.

9. Where the subject-matter of the suit is immovable property the decree shall contain a description of such property sufficient to identify the same, and where such property can be identified by boundaries or by numbers in a record of settlement or survey, the decree shall specify such boundaries or numbers.

Decree for delivery of movable property.

10. Where the suit is for movable property, and the decree is for the delivery of such property, the decree shall also state the amount of money to be paid as an alternative if delivery cannot be had.

Decree may direct payment by instalments.

11. (1) Where and in so far as a decree is for the payment of money, the Court may for any sufficient reason at the time of passing the decree order that payment of the amount decreed shall be postponed or shall be made by instalments, with or without interest, notwithstanding anything contained in the contract under which the money is payable.

Order, after decree, for payment by instalments.

(2) After the passing of any such decree the Court may, on the application of the judgment-debtor and with the consent of the decree-holder, order that payment of the amount decreed shall be postponed or shall be made by instalments on such terms as to the payment of interest, the attachment of the property of the judgment-debtor, or the taking of security from him, or otherwise, as it thinks fit.

Decree for possession and mesne profits.

12. (1) Where a suit is for the recovery of possession of immovable property and for rent or mesne profits, the Court may pass a decree—

(*a*) for the possession of the property;

(*b*) for the rent or mesne profits which have accrued on the property during a period prior to the institution of the suit or directing an inquiry as to such rent or mesne profits;

(*c*) directing an inquiry as to rent or mesne profits from the institution of the suit until—

(*i*) the delivery of possession to the decree-holder,

(*ii*) the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court, or

(*iii*) the expiration of three years from the date of the decree,

whichever event first occurs.

(2) Where an inquiry is directed under clause (*b*) or clause (*c*) a final decree in respect of the rent or mesne profits shall be passed in accordance with the result of such inquiry.

Decree in administration-suit.

13. (1) Where a suit is for an account of any property and for its due administration under the decree of the Court, the Court shall, before passing the final decree, pass a preliminary decree ordering such accounts and inquiries to be taken and made, and giving such other directions as it thinks fit.

(2) In the administration by the Court of the property of any deceased person, if such property proves to be insufficient for the payment in full of his debts and liabilities, the same rules shall be observed as to the respective rights of secured and unsecured creditors and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being within the local limits of the Court in which the administration-suit is pending with respect to the estates of persons adjudged or declared insolvent; and all persons, who in any such case would be entitled to be paid out of such property, may come in under the preliminary decree, and make such claims against the same as they may respectively be entitled to by virtue of this Code.

Decree in pre-emption-suit.

14. (1) Where the Court decrees a claim to pre-emption in respect of a particular sale of property and the purchase money has not been paid into Court, the decree shall—

(*a*) specify a day on or before which the purchase money shall be so paid, and

(*b*) direct that on payment into Court of such purchase money, together with the costs (if any) decreed against the plaintiff, on or before the day referred to in clause (*a*), the defendant shall deliver possession of the property to the plaintiff, whose title thereto shall be deemed to have accrued from the date of such payment, but that, if the purchase money and the costs (if any) are not so paid, the suit shall be dismissed with costs.

(2) Where the Court has adjudicated upon rival claims to pre-emption, the decree shall direct,—

(*a*) if and in so far as the claims decreed are equal in degree, that the claim of each pre-emptor complying with the provisions of sub-rule (1) shall take effect in respect of a proportionate share of the property including any proportionate share in respect of which the claim of any pre-emptor failing to comply with the said provisions would, but for such default, have taken effect; and,

(*b*) if and in so far as the claims decreed are different in degree, that the claim of the inferior pre-emptor shall not take effect unless and until the superior pre-emptor has failed to comply with the said provisions.

Decree in suit for dissolution of partnership.

15. Where a suit is for the dissolution of a partnership, or the taking of partnership accounts, the Court, before passing a final decree, may pass a preliminary decree declaring the proportionate shares of the parties, fixing the day on which the partnership shall stand dissolved or be deemed to have been dissolved, and directing such accounts to be taken, and other acts to be done, as it thinks fit.

Decree in suit for account between principal and agent.

16. In a suit for an account of pecuniary transactions between a principal and an agent, and in any other suit not hereinbefore provided for, where it is necessary, in order to ascertain the amount of money due to or from any party, that an account should be taken, the Court shall, before passing its final decree, pass a preliminary decree directing such accounts to be taken as it thinks fit.

Special directions as to accounts.

17. The Court may either by the decree directing an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account the books of account in which the accounts in question have been kept shall be taken as *prima facie* evidence of the truth of the matters therein contained with liberty to the parties interested to take such objection thereto as they may be advised.

Decree in suit for partition of property or separate possession of a share therein.

18. Where the Court passes a decree for the partition of property or for the separate possession of a share therein, then,—

(1) if and in so far as the decree relates to an estate assessed to the payment of revenue to the Government, the decree shall declare the rights of the several parties interested in the property, but shall direct such partition or separation to be made by the Deputy Commissioner or any revenue officer not below the rank of a Deputy Amildar deputed by him in this behalf, in accordance with such declaration and with the provisions of Section 54;

(2) if and in so far as such decree relates to any other immovable property, or to movable property, the Court may, if the partition or separation cannot be conveniently made without further inquiry, pass a preliminary decree declaring the rights of the several parties interested in the property and giving such further directions as may be required.

Decree when set-off is allowed.

19. (1) Where the defendant has been allowed a set-off against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount is due to the defendant, and shall be for the recovery of any sum which appears to be due to either party.

Appeal from decree relating to set-off.

(2) Any decree passed in a suit in which a set-off is claimed shall be subject to the same provisions in respect of appeal to which it would have been subject if no set-off had been claimed.

(3) The provisions of this rule shall apply whether the set-off is admissible under rule 6 of Order VIII or otherwise.

Certified copies of judgment and decree to be furnished.

20. Certified copies of the judgment and decree shall be furnished to the parties on application to the Court and at their expense.

ORDER XXI.

EXECUTION OF DECREES AND ORDERS.

Payment under decree.

Modes of paying money under decree.

1. (1) All money payable under a decree shall be paid as follows, namely:—

(*a*) into the Court whose duty it is to execute the decree; or

(*b*) out of Court to the decree-holder; or

(*c*) otherwise as the Court which made the decree directs.

(2) Where any payment is made under clause (*a*) of sub-rule (1) notice of such payment shall be given to the decree-holder.

Payment out of Court to decree-holder.

2. (1) Where any money payable under a decree of any kind is paid out of Court, or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify such payment or adjustment to the Court whose duty it is to execute the decree, and the Court shall record the same accordingly.

(2) The judgment-debtor also may inform the Court of such payment or adjustment, and apply to the Court to issue a notice to the decree-holder to show cause on a day to be fixed by the Court, why such payment or adjustment should not be recorded as certified; and if, after service of such notice, the decree-holder fails to show cause why the payment or adjustment should not be recorded as certified, the Court shall record the same accordingly.

(3) A payment or adjustment, which has not been certified or recorded as aforesaid, shall not be recognized by any Court executing the decree.

Courts executing decrees.

Lands situate in more than one jurisdiction.

4. Where immovable property forms one estate or tenure situate within the local limits of the jurisdiction of two or more Courts, any one of such Courts may attach and sell the entire estate or tenure.

Mode of transfer.

5. Where the Court to which a decree is to be sent for execution is situate within the same district as the Court which passed such decree, such Court shall send the same directly to the former Court. But, where the Court to which the decree is to be sent for execution is situate in a different district, the Court which passed it shall send it to the District Court of the district in which the decree is to be executed.

Procedure where Court desires that its own decree shall be executed by another Court.

6. The Court sending a decree for execution shall send—

(*a*) a copy of the decree;

(*b*) a certificate setting forth that satisfaction of the decree has not been obtained by execution within the jurisdiction of the Court by which it was passed, or, where

the decree has been executed in part, the extent to which satisfaction has been obtained and what part, of the decree, remains unsatisfied; and

(*c*) a copy of any order for the execution of the decree, or, if no such order has been made, a certificate to that effect.

Court receiving copies of decree, etc., to file same without proof.

7. The Court to which a decree is so sent shall cause such copies and certificates to be filed, without any further proof of the decree or order for execution, or of the copies thereof, unless the Court, for any special reasons to be recorded under the hand of the Judge, requires such proof.

Execution of decree or order by Court to which it is sent.

8. Where such copies are so filed, the decree or order may, if the Court to which it is sent is the District Court, be executed by such Court or be transferred for execution to any subordinate Court of competent jurisdiction.

Execution by Chief Court of decree transferred by other Court.

9. Where the Court to which the decree is sent for execution is the Chief Court the decree shall be executed by such Court in the same manner as if it had been passed by such Court in the exercise of its ordinary original civil jurisdiction.

Application for execution.

Application for execution.

10. Where the holder of a decree desires to execute it, he shall apply to the Court which passed the decree or to the officer (if any) appointed in this behalf, or if the decree has been sent under the provisions hereinbefore contained to another Court then to such Court or to the proper officer thereof.

Oral application.

11. (1) Where a decree is for the payment of money the Court may, on the oral application of the decree-holder at the time of the passing of the decree, order immediate execution thereof by the arrest of the judgment-debtor, prior to the preparation of a warrant if he is within the precincts of the Court.

Written application.

(2) Save as otherwise provided by sub-rule (1), every application for the execution of a decree shall be in writing, signed and verified by the applicant or by some other person proved to the satisfaction of the Court to be acquainted with the facts of the case, and shall contain in a tabular form the following particulars, namely :—

(*a*) the number of the suit;

(*b*) the names of the parties;

(*c*) the date of the decree;

(*d*) whether any appeal has been preferred from the decree;

(*e*) whether any, and (if any) what, payment or other adjustment of the matter in controversy has been made between the parties subsequently to the decree;

(*f*) whether any, and (if any) what, previous applications have been made for the execution of the decree, the dates of such applications and their results;

(*g*) the amount with interest (if any) due upon the decree, or other relief granted thereby, together with particulars of any cross-decree, whether passed before or after the date of the decree sought to be executed;

(*h*) the amount of the costs (if any) awarded;

(*i*) the name of the person against whom execution of the decree is sought; and

(*j*) the mode in which the assistance of the Court is required, whether—

(i) by the delivery of any property specifically decreed;

(ii) by the attachment and sale, or by the sale without attachment, of any property;

(iii) by the arrest and detention in prison of any person;

(iv) by the appointment of a receiver;

(v) otherwise, as the nature of the relief granted may require.

(3) The Court to which an application is made under sub-rule (2) may require the applicant to produce a certified copy of the decree.

Application for attachment of movable property not in judgment-debtor's possession.

12. Where an application is made for the attachment of any movable property belonging to a judgment-debtor but not in his possession, the decree-holder shall annex to the application an inventory of the property to be attached, containing a reasonably accurate description of the same.

Application for attachment of immovable property to contain certain particulars.

13. Where an application is made for the attachment of any immovable property belonging to a judgment-debtor, it shall contain at the foot—

(*a*) a description of such property sufficient to identify the same and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, a specification of such boundaries or numbers; and

(*b*) a specification of the judgment-debtor's share or interest in such property to the best of the belief of the applicant, and so far as he has been able to ascertain the same.

Power to require certified extract from Deputy Commissioner's register in certain cases.

14. Where an application is made for the attachment of any land which is registered in the office of the Deputy Commissioner, the Court may require the applicant to produce a certified extract from the register of such office, specifying the persons registered as proprietors of, or as possessing, any transferable interest in, the land or its revenue, or as liable to pay revenue for the land, and the shares of the registered proprietors.

Application for execution by joint decree-holder.

15. (1) Where a decree has been passed jointly in favor of more persons than one, any one or more of such persons may, unless the decree imposes any condition to the contrary, apply for the execution of the whole decree for the benefit of them all, or, where any of them has died, for the benefit of the survivors and the legal representatives of the deceased.

(2) Where the Court sees sufficient cause for allowing the decree to be executed on an application made under this rule, it shall make such order as it deems necessary for protecting the interests of the persons who have not joined in the application.

Application for execution by transferee of decree.

16. Where a decree or, if a decree has been passed jointly in favor of two or more persons, the interest of any decree-holder in the decree is transferred by assignment

in writing or by operation of law, the transferee may apply for execution of the decree to the Court which passed it; and the decree may be executed in the same manner and subject to the same conditions as if the application were made by such decree-holder:

Provided that, where the decree, or such interest as aforesaid, has been transferred by assignment, notice of such application shall be given to the transferor and the judgment-debtor, and the decree shall not be executed until the Court has heard their objections (if any) to its execution:

Provided also that, where a decree for the payment of money against two or more persons has been transferred to one of them, it shall not be executed against the others.

Procedure on receiving application for execution of decree.

17. (1) On receiving an application for the execution of a decree as provided by rule 11, sub-rule (2), the Court shall ascertain whether such of the requirements of rules 11 to 14 as may be applicable to the case have been complied with; and, if they have not been complied with, the Court may reject the application, or may allow the defect to be remedied then and there or within a time to be fixed by it.

(2) Where an application is amended under the provisions of sub-rule (1), it shall be deemed to have been an application in accordance with law and presented on the date when it was first presented.

(3) Every amendment made under this rule shall be signed or initialled by the Judge.

(4) When the application is admitted, the Court shall enter in the proper register a note of the application and the date on which it was made, and shall, subject to the provisions hereinafter contained, order execution of the decree according to the nature of the application:

Provided that, in the case of a decree for the payment of money, the value of the property attached shall, as nearly as may be, correspond with the amount due under the decree.

Execution in case of cross-decrees.

18. (1) Where applications are made to a Court for the execution of cross-decrees in separate suits for the payment of two sums of money passed between the same parties and capable of execution at the same time by such Court, then—

(*a*) if the two sums are equal, satisfaction shall be entered upon both decrees; and

(*b*) if the two sums are unequal, execution may be taken out only by the holder of the decree for the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum.

(2) This rule shall be deemed to apply where either party is an assignee of one of the decrees and as well in respect of judgment-debts due by the original assignor as in respect of judgment-debts due by the assignee himself.

(3) This rule shall not be deemed to apply unless—

(*a*) the decree-holder in one of the suits in which the decrees have been made is the judgment-debtor in the other and each party fills the same character in both suits; and

(*b*) the sums due under the decrees are definite.

(4) The holder of a decree passed against several persons jointly and severally may treat it as a cross-decree in relation to a decree passed against him singly in favor of one or more of such persons.

Illustrations.

(*a*) A holds a decree against B for Rs. 1,000. B holds a decree against A for the payment of Rs. 1,000 in case A fails to deliver certain goods at a future day. B cannot treat his decree as a cross-decree under this rule.

(*b*) A and B, co-plaintiffs, obtain a decree for Rs. 1,000 against C, and C obtains a decree for Rs. 1,000 against B. C cannot treat his decree as a cross-decree under this rule.

(*c*) A obtains a decree against B for Rs. 1,000. C, who is a trustee for B, obtains a decree on behalf of B against A for Rs. 1,000. B cannot treat C's decree as a cross-decree under this rule.

(*d*) A, B, C, D and E are jointly and severally liable for Rs. 1,000 under a decree obtained by F. A obtains decree for Rs. 100 against F singly and applies for execution to the Court in which the joint-decree is being executed. F may treat his joint-decree as a cross-decree under this rule.

Execution in case of cross claims under same decree.

19. Where application is made to a Court for the execution of a decree under which two parties are entitled to recover sums of money from each other, then,—

(*a*) if the two sums are equal, satisfaction for both shall be entered upon the decree; and,

(*b*) if the two sums are unequal, execution may be taken out only by the party entitled to the larger sum and for so much only as remains after deducting the smaller sum, and satisfaction for the smaller sum shall be entered upon the decree.

Cross-decrees and cross claims in mortgage suits.

20. The provisions contained in rules 18 and 19 shall apply to decrees for sale in enforcement of a mortgage or charge.

Simultaneous execution.

21. The Court may, in its discretion, refuse execution at the same time against the person and property of the judgment-debtor.

Notice to show cause against execution in certain cases.

22. (1) Where an application for execution is made—

(*a*) more than one year after the date of the decree, or

(*b*) against the legal representative of a party to the decree,

the Court executing the decree shall issue a notice to the person against whom execution is applied for, requiring him to show cause, on a date to be fixed, why the decree should not be executed against him:

Provided that no such notice shall be necessary in consequence of more than one year having elapsed between the date of the decree and the application for execution if the application is made within one year from the date of the last order against the party against whom execution is applied for, made on any previous application for execution, or in consequence of the application being made against the legal representative of the judgment-debtor, if upon a previous application for execution against the same person the Court has ordered execution to issue against him.

(2) Nothing in the foregoing sub-rule shall be deemed to preclude the Court from issuing any process in execution of a decree without issuing the notice thereby prescribed, if, for reasons to be recorded, it considers that the issue of such notice would cause unreasonable delay or would defeat the ends of justice.

Procedure after issue of notice.

23. (1) Where the person to whom notice is issued under the last preceding rule does not appear or does not show cause to the satisfaction of the Court why the decree should not be executed, the Court shall order the decree to be executed.

(2) Where such person offers any objection to the execution of the decree, the Court shall consider such objection and make such order as it thinks fit.

Process for execution.

Process for execution.

24. (1) When the preliminary measures (if any) required by the foregoing rules have been taken, the Court shall, unless it sees cause to the contrary, issue its process for the execution of the decree.

(2) Every such process shall bear date, the day on which it is issued, and shall be signed by the Judge or such officer as the Court may appoint in this behalf, and shall be sealed with the seal of the Court and delivered to the proper officer to be executed.

(3) In every such process a day shall be specified on or before which it shall be executed.

Endorsement on process.

25. (1) The officer entrusted with the execution of the process shall endorse thereon the day on, and the manner in, which it was executed, and, if the latest day specified in the process for the return thereof has been exceeded, the reason of the delay, or, if it was not executed, the reason why it was not executed, and shall return the process with such endorsement to the Court.

(2) Where the endorsement is to the effect that such officer is unable to execute the process, the Court shall examine him touching his alleged inability, and may, if it thinks fit, summon and examine witnesses as to such inability and shall record the result.

Stay of execution.

When Court may stay execution.

26. (1) The Court to which a decree has been sent for execution shall, upon sufficient cause being shown, stay the execution of such decree for a reasonable time, to enable the judgment-debtor to apply to the Court by which the decree was passed, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay execution, or for any other order relating to the decree or execution which might have been made by such Court of first instance or appellate Court if execution had been issued thereby, or if application for execution had been made thereto.

(2) Where the property or person of the judgment-debtor has been seized under an execution, the Court which issued the execution may order the restitution of such property or the discharge of such person pending the result of the application.

Power to require security from, or impose conditions upon, judgment-debtor.

(3) Before making an order to stay execution or for the restitution of property or the discharge of the judgment-debtor, the Court may require such security from, or impose such conditions upon, the judgment-debtor as it thinks fit.

Liability of judgment-debtor discharged.

27. No order of restitution or discharge under rule 26 shall prevent the property or person of a judgment-debtor from being retaken in execution of the decree sent for execution.

Order of Court which passed decree or of appellate Court to be binding upon Court applied to.

28. Any order of the Court by which the decree was passed, or of such Court of appeal as aforesaid, in relation to the execution of such decree, shall be binding upon the Court to which the decree was sent for execution.

Stay, of execution pending suit between decree-holder and judgment-debtor.

29. Where a suit is pending in any Court against the holder of a decree of such Court, on the part of the person against whom the decree was passed, the Court may, on such terms as to security or otherwise, as it thinks fit, stay execution of the decree until the pending suit has been decided.

Mode of execution.

Decree for payment of money.

30. Every decree for the payment of money, including a decree for the payment of money as the alternative to some other relief, may be executed by the detention in the civil prison of the judgment-debtor or by the attachment and sale of his property, or by both.

Decree for specific movable property.

31. (1) Where the decree is for any specific movable, or for any share in a specific movable, it may be executed by the seizure, if practicable, of the movable or share, and by the delivery thereof to the party to whom it has been adjudged, or to such person as he appoints to receive delivery on his behalf, or by the detention in the civil prison of the judgment-debtor, or by the attachment of his property, or by both.

(2) Where any attachment under sub-rule (1) has remained in force for six months, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold, and out of the proceeds the Court may award to the decree-holder, in cases where any amount has been fixed by the decree to be paid as an alternative to delivery of movable property, such amount, and, in other cases, such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(3) Where the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or where, at the end of six months from the date of attachment, no application to have the property sold has been made, or, if made, has been refused, the attachment shall cease.

Decree for specific performance, for restitution of conjugal rights, or for an injunction.

32. (1) Where the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights, or for an injunction, has been passed, has had an opportunity of obeying the decree and has wilfully failed to obey it, the decree may be enforced by his detention in the civil prison, or by the attachment of his property, or by both.

(2) Where the party against whom a decree for specific performance or for an injunction has been passed is a corporation, the decree may be enforced by the attachment of the property of the corporation or, with the leave of the Court, by the detention in the civil prison of the directors or other principal officers thereof, or by both attachment and detention.

(3) Where any attachment under sub-rule (1) or sub-rule (2) has remained in force for one year, if the judgment-debtor has not obeyed the decree and the decree-holder has applied to have the attached property sold, such property may be sold; and out of the proceeds the Court may award to the decree-holder such compensation as it thinks fit, and shall pay the balance (if any) to the judgment-debtor on his application.

(4) Where the judgment-debtor has obeyed the decree and paid all costs of executing the same which he is bound to pay, or where, at the end of one year from the date of the attachment, no application to have the property sold has been made, or if made has been refused, the attachment shall cease.

(5) Where a decree for the specific performance of a contract or for an injunction has not been obeyed, the Court may, in lieu of or in addition to all or any of the processes aforesaid, direct that the act required to be done may be done so far as practicable by the decree-holder or some other person appointed by the Court, at the cost of the judgment-debtor, and upon the act being done, the expenses incurred may be ascertained in such manner as the Court may direct and may be recovered as if they were included in the decree.

Illustration.

A, a person of little substance, erects a building which renders uninhabitable a family mansion belonging to B. A in spite of his detention in prison and the attachment of his property, declines to obey a decree obtained against him by B and directing him to remove the building. The Court is of opinion that no sum realizable by the sale of A's property would adequately compensate B for the depreciation in the value of his mansion. B may apply to the Court to remove the building and may recover the cost of such removal from A in the execution proceedings.

Discretion of Court in executing decrees for restitution of conjugal rights.

33. (1) Notwithstanding anything in rule 32, the Court, either at the time of passing a decree for the restitution of conjugal rights or at any time afterwards, may order that the decree shall not be executed by detention in prison.

(2) Where the Court has made an order under sub-rule (1) and the decree-holder is the wife, it may order that, in the event of the decree not being obeyed within such period as may be fixed in this behalf, the judgment-debtor shall make to the decree-holder such periodical payments as may be just, and, if it thinks fit, require that the judgment-debtor shall, to its satisfaction, secure to the decree-holder such periodical payments.

(3) The Court may from time to time vary or modify any order made under sub-rule (2) for the periodical payment of money, either by altering the times of payment or by increasing or diminishing the amount, or may temporarily suspend the same as to the whole or any part of the money so ordered to be paid, and again revive the same, either wholly or in part as it may think just.

(4) Any money ordered to be paid under this rule may be recovered as though it were payable under a decree for the payment of money.

Decree for execution of document or endorsement of negotiable instrument.

34. (1) Where a decree is for the execution of a document or for the endorsement of a negotiable instrument and the judgment-debtor neglects or refuses to obey the decree, the decree-holder may prepare a draft of the document or endorsement in accordance with the terms of the decree and deliver the same to the Court.

(2) The Court shall thereupon cause the draft to be served on the judgment-debtor together with a notice requiring his objections (if any) to be made within such time as the Court fixes in this behalf.

(3) Where the judgment-debtor objects to the draft, his objections shall be stated in writing within such time, and the Court shall make such order approving or altering the draft, as it thinks fit.

(4) The decree-holder shall deliver to the Court a copy of the draft with such alterations (if any) as the Court may have directed upon the proper stamp-paper if a stamp is required by the law for the time being in force; and the Judge or such officer as may be appointed in this behalf shall execute the document so delivered.

(5) The execution of a document or the endorsement of a negotiable instrument under this rule may be in the following form, namely :—

"C. D., Judge of the Court of
(or as the case may be), for A. B.,

in a suit by E. F. against A. B.,"

and shall have the same effect as the execution of the document or the endorsement of the negotiable instrument by the party ordered to execute or endorse the same.

(6) The Court, or such officer as it may appoint in this behalf, shall cause the document to be registered if its registration is required by the law for the time being in force or the decree-holder desires to have it registered, and may make such order as it thinks fit as to the payment of the expenses of the registration.

Decree for immovable property.

35. (1) Where a decree is for the delivery of any immovable property, possession thereof shall be delivered to the party to whom it has been adjudged, or to such person as he may appoint to receive delivery on his behalf, and, if necessary, by removing any person bound by the decree who refuses to vacate the property.

(2) Where a decree is for the joint possession of immovable property such possession shall be delivered by affixing a copy of the warrant in some conspicuous place on the property and proclaiming by beat of drum, or other customary mode, at some convenient place, the substance of the decree.

(3) Where possession of any building or enclosure is to be delivered and the person in possession, being bound by the decree, does not afford free access, the Court, through its officers, may, after giving reasonable warning and facility to any woman not appearing in public according to the customs of the country to withdraw, remove or open any lock or bolt or break open any door or do any other act necessary for putting the decree-holder in possession.

Order XXI (Rules 36—39).

Decree for delivery of immovable property when in occupancy of tenant.

36. Where a decree is for the delivery of any immovable property in the occupancy of a tenant or other person entitled to occupy the same and not bound by the decree to relinquish such occupancy, the Court shall order delivery to be made by affixing a copy of the warrant in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, the substance of the decree in regard to the property.

Arrest and detention in the civil prison.

Discretionary power to permit judgment-debtor to show cause against detention in prison.

37. (1) Notwithstanding anything in these rules, where an application is for the execution of a decree for the payment of money by the arrest and detention in the civil prison of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to the civil prison.

(2) Where appearance is not made in obedience to the notice, the Court shall, if the decree-holder so requires, issue a warrant for the arrest of the judgment-debtor.

Warrant for arrest to direct judgment-debtor to be brought up.

38. Every warrant for the arrest of a judgment-debtor shall direct the officer entrusted with its execution to bring him before the Court with all convenient speed, unless the amount which he has been ordered to pay, together with the interest thereon and the costs (if any) to which he is liable, be sooner paid.

Subsistence-allowance.

39. (1) No judgment-debtor shall be arrested in execution of a decree unless and until the decree-holder pays into Court such sum as the Judge thinks sufficient for the subsistence of the judgment-debtor from the time of his arrest until he can be brought before the Court.

(2) Where a judgment-debtor is committed to the civil prison in execution of a decree, the Court shall fix for his subsistence such monthly allowance as he may be entitled to according to the scales fixed under Section 57 or, where no such scales have been fixed, as it considers sufficient with reference to the class to which he belongs.

(3) The monthly allowance fixed by the Court shall be supplied by the party on whose application the judgment-debtor has been arrested by monthly payments in advance before the first day of each month.

(4) The first payment shall be made to the proper officer of the Court for such portion of the current month as remains unexpired before the judgment-debtor is committed to the civil prison, and the subsequent payments (if any) shall be made to the officer in charge of the civil prison.

(5) Sums disbursed by the decree-holder for the subsistence of the judgment-debtor in the civil prison shall be deemed to be costs in the suit:

Provided that the judgment-debtor shall not be detained in the civil prison or arrested on account of any sum so disbursed.

Proceedings on appearance of judgment-debtor in obedience to notice or after arrest.

40. (1) Where a judgment-debtor appears before the Court in obedience to a notice issued under rule 37, or is brought before the Court after being arrested in execution of a decree for the payment of money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms (if any) as it thinks fit, make an order disallowing the application for his arrest and detention, or directing his release, as the case may be.

(2) Before making an order under sub-rule (1), the Court may take into consideration any allegation of the decree-holder touching any of the following matters, namely:—

(*a*) the decree being for a sum for which the judgment-debtor was bound in any fiduciary capacity to account;

(*b*) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was passed, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decree-holder in the execution of the decree;

(*c*) any undue preference given by the judgment-debtor to any of his other creditors;

(*d*) refusal or neglect on the part of the judgment-debtor to pay the amount of the decree or some part thereof when he has, or since the date of the decree has had, the means of paying it;

(*e*) the likelihood of the judgment-debtor absconding or leaving the jurisdiction of the Court with the object or effect of obstructing or delaying the decree-holder in the execution of the decree.

(3) While any of the matters mentioned in sub-rule (2) are being considered, the Court may, in its discretion, order the judgment-debtor to be detained in the civil prison, or leave him in the custody of an officer of the Court, or release him on his furnishing security, to the satisfaction of the Court, for his appearance when required by the Court.

(4) A judgment-debtor released under this rule may be re-arrested.

(5) Where the Court does not make an order under sub-rule (1), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to the civil prison.

Attachment of property.

Examination of judgment-debtor as to his property.

41. Where a decree is for the payment of money, the decree-holder may apply to the Court for an order that—

(*a*) the judgment-debtor, or

(*b*) in the case of a corporation, any officer thereof, or

(*c*) any other person,

be orally examined as to whether any or what debts are owing to the judgment-debtor and whether the judgment-debtor has any and what other property or means of satisfying the decree; and the Court may make an order for the attendance and examination of such judgment-debtor or officer or other person, and for the production of any books or documents.

Attachment in case of decree for rent or mesne profits or other matter, amount of which to be subsequently determined.

42. Where a decree directs an enquiry as to rent or mesne profits or any other matter, the property of the judgment-debtor may, before the amount due from him has been ascertained, be attached, as in the case of an ordinary decree for the payment of money.

Attachment of movable property, other than agricultural produce, in possession of judgment-debtor.

43. Where the property to be attached is movable property, other than agricultural produce, in the possession of the judgment-debtor, the attachment shall be made by actual seizure, and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

Attachment of agricultural produce.

44. Where the property to be attached is agricultural produce, the attachment shall be made by affixing a copy of the warrant of attachment,—

(*a*) where such produce is a growing crop, on the land on which such crop has grown, or

(*b*) where such produce has been cut or gathered, on the threshing floor or place for treading out grain or the like or fodder-stack on or in which it is deposited,

and another copy on the outer door or on some other conspicuous part of the house in which the judgment-debtor ordinarily resides or, with the leave of the Court, on the outer door or on some other conspicuous part of the house in which he carries on business or personally works for gain or in which he is known to have last resided or carried on business or personally worked for gain; and the produce shall thereupon be deemed to have passed into the possession of the Court.

Provisions as to agricultural produce under attachment.

45. (1) Where agricultural produce is attached, the Court shall make such arrangements for the custody thereof as it may deem sufficient, and, for the purpose of enabling the Court to make such arrangements, every application for the attachment of a growing crop shall specify the time at which it is likely to be fit to be cut or gathered.

(2) Subject to such conditions as may be imposed by the Court in this behalf either in the order of attachment or in any subsequent order, the judgment-debtor may tend, cut, gather and store the produce and do any other act necessary for maturing or preserving it, and if the judgment-debtor fails to do all or any of such acts, the decree-holder may, with the permission of the Court and subject to the like conditions, do all or any of them either by himself or by any person appointed by him in this behalf, and the costs incurred by the decree-holder shall be recoverable from the judgment-debtor as if they were included in, or formed part of, the decree.

(3) Agricultural produce attached as a growing crop shall not be deemed to have ceased to be under attachment or to require re-attachment merely because it has been severed from the soil.

(4) Where an order for the attachment of a growing crop has been made at a considerable time before the crop is likely to be fit to be cut or gathered, the Court may suspend the execution of the order for such time as it thinks fit, and may, in its discretion, make a further order prohibiting the removal of the crop pending the execution of the order of attachment.

(5) A growing crop which from its nature does not admit of being stored shall not be attached under this rule at any time less than twenty days before the time at which it is likely to be fit to be cut or gathered.

Attachment of debt, share and other property not in possession of judgment-debtor.

46. (1) In the case of—

(*a*) a debt not secured by a negotiable instrument,

(*b*) a share in the capital of a corporation,

(*c*) other movable property not in the possession of the judgment-debtor, except property deposited in, or in the custody of, any Court,

the attachment shall be made by a written order prohibiting,—

(*i*) in the case of the debt, the creditor from recovering the debt and the debtor from making payment thereof until the further order of the Court;

(*ii*) in the case of the share, the person in whose name the share may be standing from transferring the same or receiving any dividend thereon;

(*iii*) in the case of the other movable property except as aforesaid, the person in possession of the same from giving it over to the judgment-debtor.

(2) A copy of such order shall be affixed on some conspicuous part of the court-house, and another copy shall be sent, in the case of the debt, to the debtor, in the case of the share, to the proper officer of the corporation, and, in the case of the other movable property [except as aforesaid], to the person in possession of the same.

(3) A debtor prohibited under clause (i) of sub-rule (1) may pay the amount of his debt into Court; and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

Attachment of share in movables.

47. Where the property to be attached consists of the share or interest of the judgment-debtor in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the judgment-debtor prohibiting him from transferring the share or interest or charging it in any way.

Attachment of salary or allowances of public officer or servant of railway company or local authority.

48. (1) Where the property to be attached is the salary or allowances of a public officer or of a servant of a railway company or local authority, the Court, whether the judgment-debtor or the disbursing officer is or is not within the local limits of the Court's jurisdiction, may order that the amount shall, subject to the provisions of Section 60, be withheld from such salary or allowances—either in one payment or by monthly instalments as the Court may direct; and, upon notice of the order to such officer as the Government may by notification in the

official Gazette appoint in this behalf, the officer or other person whose duty it is to disburse such salary or allowances shall withhold and remit to the Court the amount due under the order, or the monthly instalments, as the case may be.

(2) Where the attachable proportion of such salary or allowances is already being withheld and remitted to a Court in pursuance of a previous and unsatisfied order of attachment, the officer appointed by the Government in this behalf shall forthwith return the subsequent order to the Court issuing it with a full statement of all the particulars of the existing attachment.

(3) Every order made under this rule, unless it is returned in accordance with the provisions of sub-rule (2), shall, without further notice or other process, bind the Government or the railway company or local authority, as the case may be, while the judgment-debtor is within the limits of Mysore and while he is beyond those limits, if he is in receipt of any salary or allowances payable out of Mysore Revenues, or the funds of a railway company carrying on business within the jurisdiction of the Government of Mysore or local authority in Mysore; and the Government or the railway company or local authority, as the case may be, shall be liable for any sum paid in contravention of this rule.

Attachment of partnership-property.

49. (1) Save as otherwise provided by this rule, property belonging to a partnership shall not be attached or sold in execution of a decree other than a decree passed against the firm or against the partners in the firm as such.

(2) The Court may, on the application of the holder of a decree against a partner, make an order charging the interest of such partner in the partnership property and profits with payment of the amount due under the decree, and may, by the same or a subsequent order, appoint a receiver of the share of such partner in the profits (whether already declared or accruing) and of any other money which may be coming to him in respect of the partnership, and direct accounts and inquiries and make an order for the sale of such interest or other orders as might have been directed or made if a charge had been made in favour of the decree-holder by such partner, or as the circumstances of the case may require.

(3) The other partner or partners shall be at liberty at any time to redeem the interest charged or, in the case of a sale being directed, to purchase the same.

(4) Every application for an order under sub-rule (2) shall be served on the judgment-debtor and on his partners or such of them as are within Mysore.

(5) Every application made by any partner of the judgment-debtor under sub-rule (3) shall be served on the decree-holder and on the judgment-debtor, and on such of the other partners as do not join in the application and as are within Mysore.

(6) Service under sub-rule (4) or sub-rule (5) shall be deemed to be service on all the partners, and all orders made on such applications shall be similarly served.

Execution of decree against firm.

50. (1) Where a decree has been passed against a firm, execution may be granted—

(*a*) against any property of the partnership;

(*b*) against any person who has appeared in his own name under rule 6 or rule 7 of Order XXX or who has admitted on the pleadings that he is, or who has been adjudged to be, a partner;

(*c*) against any person who has been individually served as a partner with a summons and has failed to appear:

Provided that nothing in this sub-rule shall be deemed to limit or otherwise affect the provisions of section 247 of the Indian Contract Act, 1872, as applied to Mysore.

(2) Where the decree-holder claims to be entitled to cause the decree to be executed against any person other than such a person as is referred to in sub-rule (1), clauses (*b*) and (*c*), as being a partner in the firm, he may apply to the Court which passed the decree for leave, and where the liability is not disputed, such Court may grant such leave, or, where such liability is disputed, may order that the liability of such person be tried and determined in any manner in which any issue in a suit may be tried and determined.

(3) Where the liability of any person has been tried and determined under sub-rule (2), the order made thereon shall have the same force and be subject to the same conditions as to appeal or otherwise as if it were a decree.

(4) Save as against any property of the partnership, a decree against a firm shall not release, render liable or otherwise affect any partner therein unless he has been served with a summons to appear and answer.

Attachment of negotiable instruments.

51. Where the property is a negotiable instrument not deposited in a Court, nor in the custody of a public officer, the attachment shall be made by actual seizure, and the instrument shall be brought into Court and held subject to further orders of the Court.

Attachment of property in custody of Court or public officer.

52. Where the property to be attached is in the custody of any Court or public officer, the attachment shall be made by a notice to such Court or officer requesting that such property, and any interest or dividend becoming payable thereon, may be held subject to the further orders of the Court from which the notice is issued:

Provided that, where such property is in the custody of a Court, any question of title or priority arising between the decree-holder and any other person, not being the judgment-debtor, claiming to be interested in such property by virtue of any assignment, or attachment or otherwise, shall be determined by such Court.

Attachment of decrees.

53. (1) Where the property to be attached is a decree, either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made,—

(*a*) if the decrees were passed by the same Court, then by order of such Court, and,

(*b*) if the decree sought to be attached was passed by another Court, then by the issue to such other Court

of a notice by the Court which passed the decree sought to be executed, requesting such other Court to stay the execution of its decree unless and until—

(i) the Court which passed the decree sought to be executed cancels the notice, or

(ii) the holder of the decree sought to be executed or his judgment-debtor applies to the Court receiving such notice to execute its own decree.

(2) Where a Court makes an order under clause (*a*) of sub-rule (1), or receives an application under sub-head (*ii*) of clause (*b*) of the said sub-rule, it shall, on the application of the creditor who has attached the decree or his judgment-debtor, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(3) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner lawful for the holder thereof.

(4) Where the property to be attached in the execution of a decree is a decree other than a decree of the nature referred to in sub-rule (1), the attachment shall be made, by a notice by the Court which passed the decree sought to be executed, to the holder of the decree sought to be attached, prohibiting him from transferring or charging the same in any way; and, where such decree has been passed by any other Court, also by sending to such other Court a notice to abstain from executing the decree sought to be attached until such notice is cancelled by the Court from which it was sent.

(5) The holder of a decree attached under this rule shall give the Court executing the decree such information and aid as may reasonably be required.

(6) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Court making an order of attachment under this rule shall give notice of such order to the judgment-debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment-debtor in contravention of such order after receipt of notice thereof, either through the Court or otherwise, shall be recognized by any Court so long as the attachment remains in force.

Attachment of immovable property.

54. (1) Where the property is immovable, the attachment shall be made by an order prohibiting the judgment-debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(2) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be affixed on a conspicuous part of the property and then upon a conspicuous part of the Court-house, and also, where the property is land paying revenue to the Government, in the office of the Deputy Commissioner of the district in which the land is situate.

Removal of attachment after satisfaction of decree.

55. Where—

(*a*) the amount decreed with costs and all charges and expenses resulting from the attachment of any property are paid into Court, or

(*b*) satisfaction of the decree is otherwise made through the Court or certified to the Court, or

(*c*) the decree is set aside or reversed,

the attachment shall be deemed to be withdrawn, and, in the case of immovable property, the withdrawal shall, if the judgment-debtor so desires, be proclaimed at his expense, and a copy of the proclamation shall be affixed in the manner prescribed by the last preceding rule.

Order for payment of coin or currency notes to party entitled under decree.

56. Where the property attached is current coin or currency notes, the Court may, at any time during the continuance of the attachment, direct that such coin or notes, or a part thereof sufficient to satisfy the decree, be paid over to the party entitled under the decree to receive the same.

Determination of attachment.

57. Where any property has been attached in execution of a decree but by reason of the decree-holder's default the Court is unable to proceed further with the application for execution, it shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application the attachment shall cease.

Investigation of claims and objections.

Investigation of claims to, and objections to attachment of, attached property.

58. (1) Where any claim is preferred to, or any objection is made to the attachment of, any property attached in execution of a decree on the ground that such property is not liable to such attachment, the Court shall proceed to investigate the claim or objection with the like power as regards the examination of the claimant or objector, and in all other respects, as if he was a party to the suit:

Provided that no such investigation shall be made where the Court considers that the claim or objection was designedly or unnecessarily delayed.

Postponement of sale.

(2) Where the property to which the claim or objection applies has been advertised for sale, the Court ordering the sale may postpone it pending the investigation of the claim or objection.

Evidence to be adduced by claimant.

59. The claimant or objector must adduce evidence to show that at the date of the attachment he had some interest in, or was possessed of, the property attached.

Release of property from attachment.

60. Where upon the said investigation the Court is satisfied that for the reason stated in the claim or objection such property was not, when attached, in the possession of the judgment-debtor or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the judgment-debtor at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the Court shall make an order releasing the property, wholly or to such extent as it thinks fit, from attachment.

Order XXI (Rules 61—66).

Disallowance of claim to property attached.

61. Where the Court is satisfied that the property was, at the time it was attached, in the possession of the judgment-debtor as his own property and not on account of any other person, or was in the possession of some other person, in trust for him, or in the occupancy of a tenant or other person paying rent to him, the Court shall disallow the claim.

Continuance of attachment subject to claim of incumbrancer.

62. Where the Court is satisfied that the property is subject to a mortgage or charge in favor of some person not in possession, and thinks fit to continue the attachment, it may do so, subject to such mortgage or charge.

Savings of suits to establish right to attached property.

63. Where a claim or an objection is preferred, the party against whom an order is made may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be conclusive.

Sale generally.

Power to order property attached to be sold and proceeds to be paid to person entitled.

64. Any Court executing a decree may order that any property attached by it and liable to sale, or such portion thereof as may seem necessary to satisfy the decree, shall be sold, and that the proceeds of such sale, or a sufficient portion thereof, shall be paid to the party entitled under the decree to receive the same.

Sales by whom conducted and how made.

65. Save as otherwise prescribed, every sale in execution of a decree, shall be conducted by an officer of the Court or by such other person as the Court may appoint in this behalf, and shall be made by public auction in manner prescribed.

Proclamation of sales by public auction.

66. (1) Where any property is ordered to be sold by public auction in execution of a decree, the Court shall cause a proclamation of the intended sale to be made in the language of such Court.

(2) Such proclamation shall state the time and place of sale, and specify as fairly and accurately as possible—

(*a*) the property to be sold;

(*b*) the revenue assessed upon the estate or part of the estate, where the property to be sold is an interest in an estate or in part of an estate paying revenue to the Government;

(*c*) any incumbrance to which the property is liable;

(*d*) the amount for the recovery of which the sale is ordered; and

(*e*) every other thing which the Court considers material for a purchaser to know in order to judge of the nature and value of the property.

(3) Every application for an order for sale under this rule shall be accompanied by a statement signed and verified in the manner hereinbefore prescribed for the signing and verification of pleadings and containing, so far as they are known to or can be ascertained by the person making the verification, the matters required by sub-rule (2) to be specified in the proclamation.

(4) For the purpose of ascertaining the matters to be specified in the proclamation, the Court may summon any person whom it thinks necessary to summon and may examine him in respect to any such matters and require

him to produce any document in his possession or power relating thereto.

Mode of making proclamation.

67. (1) Every proclamation shall be made and published, as nearly as may be, in the manner prescribed by Rule 54, sub-rule (2).

(2) Where the Court so directs, such proclamation shall also be published in the official Gazette or in a local newspaper, or in both, and the costs of such publication shall be deemed to be costs of the sale.

(3) Where property is divided into lots for the purpose of being sold separately, it shall not be necessary to make a separate proclamation for each lot, unless proper notice of the sale cannot, in the opinion of the Court, otherwise be given.

Time of sale.

68. Save in the case of property of the kind described in the proviso to Rule 43, no sale hereunder shall, without the consent in writing of the judgment-debtor, take place until after the expiration of at least thirty days in the case of immovable property, and of at least fifteen days in the case of movable property, calculated from the date on which the copy of the proclamation has been affixed on the court-house of the Judge ordering the sale.

Adjournment or stoppage of sale.

69. (1) The Court may, in its discretion, adjourn any sale hereunder to a specified day and hour, and the officer conducting any such sale may in his discretion adjourn the sale, recording his reasons for such adjournment:

Provided that, where the sale is made in, or within the precincts of, the court-house, no such adjournment shall be made without the leave of the Court.

(2) Where a sale is adjourned under sub-rule (1) for a longer period than seven days, a fresh proclamation under Rule 67 shall be made, unless the judgment-debtor consents to waive it.

(3) Every sale shall be stopped if, before the lot is knocked down, the debt and costs (including the costs of the sale) are tendered to the officer conducting the sale, or proof is given to his satisfaction that the amount of such debt and costs has been paid into the Court which ordered the sale.

Saving of certain sales.

70. Nothing in Rules 66 to 69 shall be deemed to apply to any case in which the execution of a decree has been transferred to the Deputy Commissioner.

Defaulting purchaser answerable for loss on re-sale.

71. Any deficiency of price which may happen on a re-sale by reason of the purchaser's default, and all expenses attending such re-sale, shall be certified to the Court by the officer or other person holding the sale, and shall, at the instance of either the decree-holder or the judgment-debtor, be recoverable from the defaulting purchaser under the provisions relating to the execution of a decree for the payment of money.

Decree-holder not to bid for or buy property without permission.

72. (1) No holder of a decree in execution of which property is sold shall, without the express permission of the Court, bid for or purchase the property.

Where decree-holder purchases amount of decree may be taken as payment.

(2) Where a decree-holder purchases with such permission, the purchase-money and the amount due on the decree may, subject to the provisions of Section 73, be set

off against one another, and the Court executing the decree shall enter up satisfaction of the decree in whole or in part accordingly.

(3) Where decree-holder purchases, by himself or through another person, without such permission, the Court may, if it thinks fit, on the application of the judgment-debtor or any other person whose interests are affected by the sale, by order set aside the sale; and the costs of such application and order, and any deficiency of price which may happen on the re-sale and all expenses attending it, shall be paid by the decree-holder.

Restriction on bidding or purchase by officers.

73. No officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

Sale of movable property.

Sale of agricultural produce.

74. (1) Where the property to be sold is agricultural produce, the sale shall be held,—

(*a*) if such produce is a growing crop, on or near the land on which such crop has grown, or,

(*b*) if such produce has been cut or gathered at or near the threshing-floor or place for treading out grain or the like or fodder-stack on or in which it is deposited:

Provided that the Court may direct the sale to be held at the nearest place of public resort, if it is of opinion that the produce is thereby likely to sell to greater advantage.

(2) Where, on the produce being put up for sale,—

(*a*) a fair price, in the estimation of the person holding the sale, is not offered for it, and

(*b*) the owner of the produce or a person authorised to act in his behalf applies to have the sale postponed till the next day or, if a market is held at the place of sale, the next market-day,

the sale shall be postponed accordingly and shall be then completed, whatever price may be offered for the produce.

Special provisions relating to growing crops.

75. (1) Where the property to be sold is a growing crop and the crop from its nature admits of being stored but has not yet been stored, the day of the sale shall be so fixed as to admit of its being made ready for storing before the arrival of such day, and the sale shall not be held until the crop has been cut or gathered and is ready for storing.

(2) Where the crop from its nature does not admit of being stored, it may be sold before it is cut and gathered, and the purchaser shall be entitled to enter on the land, and to do all that is necessary for the purpose of tending and cutting or gathering it.

Negotiable instruments and shares in corporations.

76. Where the property to be sold is a negotiable instrument or a share in a corporation, the Court may, instead of directing the sale to be made by public auction, authorize the sale of such instrument or share through a broker.

Sale by public auction.

77. (1) Where movable property is sold by public auction the price of each lot shall be paid at the time of sale or as soon after as the officer or other person holding the sale directs, and in default of payment the property shall forthwith be re-sold.

(2) On payment of the purchase money, the officer or other person holding the sale shall grant a receipt for the same, and the sale shall become absolute.

(3) Where the movable property to be sold is a share in goods belonging to the judgment-debtor and a co-owner, and two or more persons, of whom one is such co-owner, respectively bid the same sum for such property or for any lot, the bidding shall be deemed to be the bidding of the co-owner.

Irregularity not to vitiate sale, but any person injured may sue.

78. No irregularity in publishing or conducting the sale of movable property shall vitiate the sale; but any person sustaining any injury by reason of such irregularity at the hand of any other person may institute a suit against him for compensation or (if such other person is the purchaser) for the recovery of the specific property and for compensation in default of such recovery.

Delivery of movable property, debts and shares.

79. (1) Where the property sold is movable property of which actual seizure has been made, it shall be delivered to the purchaser.

(2) Where the property sold is movable property in the possession of some person other than the judgment-debtor, the delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser.

(3) Where the property sold is a debt not secured by a negotiable instrument, or is a share in a corporation, the delivery thereof shall be made by a written order of the Court prohibiting the creditor from receiving the debt or any interest thereon and the debtor from making payment thereof to any person except the purchaser, or prohibiting the person in whose name the share may be standing from making any transfer of the share to any person except the purchaser, or receiving payment of any dividend or interest thereon, and the manager, secretary or other proper officer of the corporation from permitting any such transfer or making any such payment to any person except the purchaser.

Transfer of negotiable instruments and shares.

80. (1) Where the execution of a document or the endorsement of the party in whose name a negotiable instrument or a share in a corporation is standing is required to transfer such negotiable instrument or share, the Judge or such officer as he may appoint in this behalf may execute such document or make such endorsement as may be necessary, and such execution or endorsement shall have the same effect as an execution or endorsement by the party.

(2) Such execution or endorsement may be in the following form, namely:—

A. B. by C. D., Judge of the Court of (or as the case may be), in a suit by E. F. against A. B.

(3) Until the transfer of such negotiable instrument or share, the Court may, by order, appoint some person to receive any interest or dividend due thereon and to sign a receipt for the same; and any receipt so signed shall be as valid and effectual for all purposes as if the same had been signed by the party himself.

Vesting order in case of other property.

81. In the case of any movable property not hereinbefore provided for, the Court may make an order vesting such property in the purchaser or as he may direct; and such property shall vest accordingly.

Sale of immovable property.

What Courts may order sales.

82. Sales of immovable property in execution of decrees may be ordered by any Court other than a Court of Small Causes.

Postponement of sale to enable judgment-debtor to raise amount of decree.

83. (1) Where an order for the sale of immovable property has been made, if the judgment-debtor can satisfy the Court that there is reason to believe that the amount of the decree may be raised by the mortgage or lease or private sale of such property, or some part thereof, or of any other immovable property of the judgment-debtor, the Court may, on his application, postpone the sale of the property comprised in the order for sale on such terms and for such period as it thinks proper, to enable him to raise the amount.

(2) In such case the Court shall grant a certificate to the judgment-debtor authorizing him within a period to be mentioned therein, and notwithstanding anything contained in section 64, to make the proposed mortgage, lease or sale:

Provided that all moneys payable under such mortgage, lease or sale shall be paid, not to the judgment-debtor, but, save in so far as a decree-holder is entitled to set off such money under the provisions of rule 72, into Court:

Provided also that no mortgage, lease or sale under this rule shall become absolute until it has been confirmed by the Court.

(3) Nothing in this rule shall be deemed to apply to a sale of property directed to be sold in execution of a decree for sale in enforcement of a mortgage of, or charge on, such property.

Deposit by purchaser and resale on default.

84. (1) On every sale of immovable property the person declared to be the purchaser shall pay immediately after such declaration a deposit of twenty-five per cent on the amount of his purchase-money to the officer or other person conducting the sale, and, in default of such deposit, the property shall forthwith be resold.

(2) Where the decree-holder is the purchaser and is entitled to set off the purchase money under rule 72, the Court may dispense with the requirements of this rule.

Time for payment in full of purchase money.

85. The full amount of purchase money payable shall be paid by the purchaser into Court before the Court closes on the fifteenth day from the sale of the property:

Provided that, in calculating the amount to be so paid into Court, the purchaser shall have the advantage of any set-off to which he may be entitled under rule 72.

Procedure in default of payment.

86. In default of payment within the period mentioned in the last preceding rule, the deposit may, if the Court thinks fit, after defraying the expenses of the sale, be forfeited to the Government, and the property shall be resold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may subsequently be sold.

Notification on resale.

87. Every resale of immovable property, in default of payment of the purchase money within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore prescribed for the sale.

Bid of co-sharer to have preference.

88. Where the property sold is a share of undivided immovable property and two or more persons of whom one is a co-sharer, respectively, bid the same sum for such property or for any lot, the bid shall be deemed to be the bid of the co-sharer.

Application to set aside sale on deposit.

89. (1) Where immovable property has been sold in execution of a decree, any person, either owning such property or holding an interest therein by virtue of a title acquired before such sale, may apply to have the sale set aside on his depositing in Court—

(*a*) for payment to the purchaser, a sum equal to five per cent of the purchase-money, and

(*b*) for payment to the decree-holder the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been received by the decree-holder.

(2) Where a person applies under rule 90 to set aside the sale of his immovable property, he shall not, unless he withdraws his application, be entitled to make or prosecute an application under this rule.

(3) Nothing in this rule shall relieve the judgment-debtor from any liability he may be under in respect of costs and interest not covered by the proclamation of sale.

Application to set aside sale on ground of irregularity or fraud.

90. (1) Where any immovable property has been sold, in execution of a decree, the decree-holder, or any person entitled to share in a rateable distribution of assets, or whose interests are affected by the sale, may apply to the Court to set aside the sale on the ground of a material irregularity or fraud in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity or fraud unless upon the facts proved the Court is satisfied that the applicant has sustained substantial injury by reason of such irregularity or fraud.

Application by purchaser to set aside sale on ground of judgment-debtor having no saleable interest.

91. The purchaser at any such sale in execution of a decree may apply to the Court to set aside the sale, on the ground that the judgment-debtor had no saleable interest in the property sold.

Sale when to become absolute or be set aside.

92. (1) Where no application is made under rule 89, rule 90 or rule 91, or where such application is made and disallowed, the Court shall make an order confirming the sale, and thereupon the sale shall become absolute.

(2) Where such application is made and allowed, and where, in the case of an application under rule 89, the deposit required by that rule is made within thirty days from the date of sale, the Court shall make an order setting aside the sale:

Provided that no order shall be made unless notice of the application has been given to all persons affected thereby.

(3) No suit to set aside an order made under this rule shall be brought by any person against whom such order is made.

Return of purchase money in certain cases.

93. Where a sale of immovable property is set aside under rule 92, the purchaser shall be entitled to an order for repayment of his purchase-money, with or without interest as the Court may direct, against any person to whom it has been paid.

Certificate to purchaser.

94. Where a sale of immovable property has become absolute, the Court shall grant a certificate specifying the property sold and the name of the person who at the time of sale is declared to be the purchaser. Such certificate shall bear date the day on which the sale became absolute.

Delivery of property in occupancy of judgment-debtor.

95. Where the immovable property sold is in the occupancy of the judgment-debtor or of some person on his behalf or of some person claiming under a title created by the judgment-debtor subsequently to the attachment of such property and a certificate in respect thereof has been granted under rule 94, the Court shall, on the application of the purchaser, order delivery to be made by putting such purchaser, or any person whom he may appoint to receive delivery on his behalf in possession of the property, and, if need be, by removing any person who refuses to vacate the same.

Delivery of property in occupancy of tenant.

96. Where the property sold is in the occupancy of a tenant or other person entitled to occupy the same and a certificate in respect thereof has been granted under rule 94, the Court shall, on the application of the purchaser, order delivery to be made by affixing a copy of the certificate of sale in some conspicuous place on the property, and proclaiming to the occupant by beat of drum or other customary mode, at some convenient place, that the interest of the judgment-debtor has been transferred to the purchaser.

Resistance to delivery of possession to decree-holder or purchaser.

Resistance or obstruction to possession of immovable property.

97. (1) Where the holder of a decree for the possession of immovable property or the purchaser of any such property sold in execution of a decree is resisted or obstructed by any person in obtaining possession of the property, he may make an application to the Court complaining of such resistance or obstruction.

(2) The Court shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

Resistance or obstruction by judgment-debtor.

98. Where the Court is satisfied that the resistance or obstruction was occasioned without any just cause by the judgment-debtor or by some other person at his instigation, it shall direct that the applicant be put into possession of the property, and where the applicant is still resisted or obstructed in obtaining possession, the Court may also, at the instance of the applicant, order the judgment-debtor, or any person acting at his instigation, to be detained in the civil prison for a term which may extend to thirty days.

Resistance or obstruction by *bona fide* claimant.

99. Where the Court is satisfied that the resistance or obstruction was occasioned by any person (other than the judgment-debtor) claiming in good faith to be in possession of the property on his own account or on account of some person other than the judgment-debtor, the Court shall make an order dismissing the application.

Dispossession by decree-holder or purchaser.

100. (1) Where any person other than the judgment-debtor is dispossessed of immovable property by the holder of a decree for the possession of such property or, where such property has been sold in execution of a

decree, by the purchaser thereof, he may make an application to the Court complaining of such dispossession.

(2) The Court shall fix a day for investigating the matter and shall summon the party against whom the application is made to appear and answer the same.

Bona fide claimant to be restored to possession.

101. Where the Court is satisfied that the applicant was in possession of the property on his own account or on account of some person other than the judgment-debtor, it shall direct that the applicant be put into possession of the property.

Rules not applicable to transferee *lite pendente*.

102. Nothing in rules 99 and 101 shall apply to resistance or obstruction in execution of a decree for the possession of immovable property by a person to whom the judgment-debtor has transferred the property after the institution of the suit in which the decree was passed or to the dispossession of any such person.

Orders conclusive subject to regular suit.

103. Any party not being a judgment-debtor against whom an order is made under rule 98, rule 99 or rule 101 may institute a suit to establish the right which he claims to the present possession of the property; but, subject to the result of such suit, if any, the order shall be conclusive.

ORDER XXII.

Death, marriage and insolvency of parties.

No abatement by party's death, if right to sue survives.

1. The death of a plaintiff or defendant shall not cause the suit to abate if the right to sue survives.

Procedure where one of several plaintiffs or defendants dies and right to sue survives.

2. Where there are more plaintiffs or defendants than one, and any of them dies, and where the right to sue survives to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the Court shall cause an entry to that effect to be made on the record, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

Procedure in case of death of one of several plaintiffs or of sole plaintiff.

3. (1) Where one of two or more plaintiffs dies and the right to sue does not survive to the surviving plaintiff or plaintiffs alone, or a sole plaintiff or sole surviving plaintiff dies and the right to sue survives, the Court, on an application made in that behalf, shall cause the legal representative of the deceased plaintiff to be made a party and shall proceed with the suit.

(2) Where within the time limited by law no application is made under sub-rule (1), the suit shall abate so far as the deceased plaintiff is concerned, and, on the application of the defendant, the Court may award to him the costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased plaintiff.

Procedure in case of death of one of several defendants or of sole defendant.

4. (1) Where one of two or more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or a sole defendant or sole surviving defendant dies and the right to sue survives, the Court, on an application made in that behalf, shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit.

(2) Any person so made a party may make any defence appropriate to his character as legal representative of the deceased defendant.

(3) Where within the time limited by law no application is made under sub-rule (1), the suit shall abate as against the deceased defendant. No abatement by reason of death after hearing.

5. Where a question arises as to whether any person is or is not the legal representative of a deceased plaintiff or a deceased defendant, such question shall be determined by the Court. Determination as to legal representative.

6. Notwithstanding anything contained in the foregoing rules, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the conclusion of the hearing and the pronouncing of the judgment, but judgment may in such case be pronounced notwithstanding the death and shall have the same force and effect as if it had been pronounced before the death took place.

7. (1) The marriage of a female plaintiff or defendant shall not cause the suit to abate, but the suit may notwithstanding be proceeded with to judgment, and where the decree is against a female defendant, it may be executed against her alone. Suit not abated by marriage of female party.

(2) Where the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and, in case of judgment for the wife, execution of the decree may, with such permission, be issued upon the application of the husband, where the husband is by law entitled to the subject-matter of the decree.

8. (1) The insolvency of a plaintiff in any suit which the assignee or receiver might maintain for the benefit of his creditors, shall not cause the suit to abate, unless such assignee or receiver declines to continue the suit or (unless for any special reason the Court otherwise directs) to give security for the costs thereof within such time as the Court may direct. When plaintiff's insolvency bars suit.

(2) Where the assignee or receiver neglects or refuses to continue the suit and to give such security within the time so ordered, the defendant may apply for the dismissal of the suit on the ground of the plaintiff's insolvency, and the Court may make an order dismissing the suit and awarding to the defendant the costs which he has incurred in defending the same to be proved as a debt against the plaintiff's estate. Procedure where assignee fails to continue suit or give security.

9. (1) Where a suit abates or is dismissed under this order, no fresh suit shall be brought on the same cause of action. Effect of abatement or dismissal.

(2) The plaintiff or the person claiming to be the legal representative of a deceased plaintiff or the assignee or the receiver in the case of an insolvent plaintiff may apply for an order to set aside the abatement or dismissal; and if it is proved that he was prevented by any sufficient cause from continuing the suit, the Court shall set aside the abatement or dismissal upon such terms as to costs or otherwise as it thinks fit.

(3) The provisions of sections 4 and 5 of the Mysore Limitation Regulation shall apply to applications under sub-rule (2).

10. (1) In other cases of an assignment, creation or devolution of any interest during the pendency of a suit, the suit may, by leave of the Court, be continued by or Procedure in case of assignment before final order in suit.

against the person to or upon whom such interest has come or devolved.

(2) The attachment of a decree pending an appeal therefrom shall be deemed to be an interest entitling the person who procured such attachment to the benefit of sub-rule (1).

Application of Order to appeals.

11. In the application of this Order to appeals, so far as may be, the word "plaintiff" shall be held to include an appellant, the word "defendant" a respondent, and the word "suit" an appeal.

Application of Order to proceedings.

12. Nothing in rules 3, 4 and 8 shall apply to proceedings in execution of a decree or order.

ORDER XXIII.

Withdrawal and adjustment of suits.

Withdrawal of suit or abandonment of part of claim.

1. (1) At any time after the institution of a suit the plaintiff may, as against all or any of the defendants, withdraw his suit or abandon part of his claim.

(2) Where the Court is satisfied—

(*a*) that a suit must fail by reason of some formal defect, or

(*b*) that there are other sufficient grounds for allowing the plaintiff to institute a fresh suit for the subject-matter of a suit or part of a claim,

it may, on such terms as it thinks fit, grant the plaintiff permission to withdraw from such suit or abandon such part of a claim with liberty to institute a fresh suit in respect of the subject-matter of such suit or such part of a claim.

(3) Where the plaintiff withdraws from a suit, or abandons part of a claim, without the permission referred to in sub-rule (2), he shall be liable for such costs as the Court may award and shall be precluded from instituting any fresh suit in respect of such subject-matter or such part of the claim.

(4) Nothing in this rule shall be deemed to authorize the Court to permit one of several plaintiffs to withdraw without the consent of the others.

Limitation law not affected by first suit.

2. In any fresh suit instituted on permission granted under the last preceding rule, the plaintiff shall be bound by the law of limitation in the same manner as if the first suit had not been instituted.

Compromise of suit.

3. Where it is proved to the satisfaction of the Court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith so far as it relates to the suit.

Proceedings in execution of decrees not affected.

4. Nothing in this Order shall apply to any proceedings in execution of a decree or order.

ORDER XXIV.

Payment into court.

Deposit by defendant of amount in satisfaction of claim.

1. The defendant in any suit to recover a debt or damages may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the claim.

Notice of deposit.

2. Notice of the deposit shall be given through the Court by the defendant to the plaintiff, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the plaintiff on his application.

Interest on deposit not allowed to plaintiff after notice.

3. No interest shall be allowed to the plaintiff on any sum deposited by the defendant from the date of the receipt of such notice, whether the sum deposited is in full of the claim or falls short thereof.

Procedure where plaintiff accepts deposit as satisfaction in part.

4. (1) Where the plaintiff accepts such amount as satisfaction in part only of his claim, he may prosecute his suit for the balance; and, if the Court decides that the deposit by the defendant was a full satisfaction of the plaintiff's claim, the plaintiff shall pay the costs of the suit incurred after the deposit and the costs incurred previous thereto, so far as they were caused by excess in the plaintiff's claim.

Procedure where he accepts it as satisfaction in full.

(2) Where the plaintiff accepts such amount as satisfaction in full of his claim, he shall present to the Court a statement to that effect, and such statement shall be filed and the Court shall pronounce judgment accordingly; and, in directing by whom the costs of each party are to be paid, the Court shall consider which of the parties is most to blame for the litigation.

Illustrations.

(*a*) A owes B Rs. 100. B sues A for the amount, having made no demand for payment and having no reason to believe that the delay caused by making a demand would place him at a disadvantage. On the plaint being filed, A pays the money into Court. B accepts it in full satisfaction of his claim, but the Court should not allow him any costs, the litigation being presumably groundless on his part.

(*b*) B sues A under the circumstances mentioned in illustration (*a*). On the plaint being filed, A disputes the claim. Afterwards A pays the money into Court. B accepts it in full satisfaction of his claim. The Court should also give B his costs of suit, A's conduct having shown that the litigation was necessary.

(*c*) A owes B Rs. 100, and is willing to pay him that sum without suit. B claims Rs. 150 and sues A for that amount. On the plaint being filed, A pays Rs. 100 into Court and disputes only his liability to pay the remaining Rs. 50. B accepts the Rs. 100 in full satisfaction of his claim. The Court should order him to pay A's costs.

ORDER XXV.

Security for costs.

When security for costs may be required from plaintiff.

1. (1) Where, at any stage of a suit, it appears to the Court that a sole plaintiff is, or (when there are more plaintiffs than one) that all the plaintiffs are, residing out of Mysore, and that such plaintiff does not, or that no one of such plaintiffs does, possess any sufficient immovable property within Mysore other than the property in suit, the Court may, either of its own motion or on the application of any defendant, order the plaintiff or plaintiffs, within a time fixed by it, to give security for the payment of all costs incurred and likely to be incurred by any defendant.

Residence out of Mysore.

(2) Whoever leaves Mysore under such circumstances as to afford reasonable probability that he will not be forthcoming whenever he may be called upon to pay costs shall be deemed to be residing out of Mysore within the meaning of sub-rule (1).

(3) On the application of any defendant in a suit for the payment of money, in which the plaintiff is a woman, the Court may at any stage of the suit make a like order if it is satisfied that such plaintiff does not possess any sufficient immovable property within Mysore.

Effect of failure to furnish security.

2. (1) In the event of such security not being furnished within the time fixed, the Court shall make an order dismissing the suit unless the plaintiff or plaintiffs are permitted to withdraw therefrom.

(2) Where a suit is dismissed under this rule, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs, or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

(3) The dismissal shall not be set aside unless notice of such application has been served on the defendant.

ORDER XXVI.

COMMISSIONS.

Commissions to examine witnesses.

Cases in which Court may issue commission to examine witness.

1. Any Court may in any suit issue a commission for the examination on interrogatories or otherwise of any person resident within the local limits of its jurisdiction who is exempted under this Code from attending the Court or who is from sickness or infirmity unable to attend it.

Order for commission.

2. An order for the issue of a commission for the examination of a witness may be made by the Court either of its own motion or on the application supported by affidavit or otherwise, of any party to the suit or of the witness to be examined.

Where witness resides within Court's jurisdiction.

3. A commission for the examination of a person who resides within the local limits of the jurisdiction of the Court issuing the same may be issued to any person whom the Courts think fit to execute it.

Persons for whose examination commission may issue.

4. (1) Any Court may in any suit issue a commission for the examination of—

(*a*) any person resident beyond the local limits of its jurisdiction;

(*b*) any person who is about to leave such limits before the date on which he is required to be examined in Court; and

(*c*) any civil or military officer of the Government who cannot, in the opinion of the Court, attend without detriment to the public service.

(2) Such commission may be issued to any Court, not being the Chief Court, within the local limits of whose

jurisdiction such person resides, or to any pleader or other person whom the Court issuing the commission may appoint.

Commission or request to examine witness not within Mysore.

5. Where any Court to which application is made for the issue of a commission for the examination of a person residing at any place not within Mysore is satisfied that the evidence of such person is necessary, the Court may issue such commission or a letter of request.

Court to examine witness pursuant to commission.

6. Every Court receiving a commission for the examination of any person shall examine him or cause him to be examined pursuant thereto.

Return of commission with depositions of witnesses.

7. Where a commission has been duly executed, it shall be returned, together with the evidence taken under it, to the Court from which it was issued; and the commission and the return thereto and the evidence taken under it shall (subject to the provisions of the next following rule) form part of the record of the suit.

When depositions may be read in evidence.

8. Evidence taken under a commission shall not be read as evidence in the suit without the consent of the party against whom the same is offered, unless—

(*a*) the person who gave the evidence is beyond the jurisdiction of the Court, or dead or unable from sickness or infirmity to attend to be personally examined, or exempted from personal appearance in Court, or is a civil or military officer of the Government who cannot, in the opinion of the Court, attend without detriment to the public service, or

(*b*) the Court in its discretion dispenses with the proof of any of the circumstances mentioned in clause (*a*), and authorizes the evidence of any person being read as evidence in the suit, notwithstanding proof that the cause for taking such evidence by commission has ceased at the time of reading the same.

Commissions for local investigations.

Commissions to make local investigations.

9. In any suit in which the Court deems a local investigation to be requisite or proper for the purpose of elucidating any matter in dispute, or of ascertaining the market-value of any property or the amount of any mesne profits or damages or annual net profits, the Court may issue a commission to such person as it thinks fit directing him to make such investigation and to report thereon to the Court:

Provided that, where the Government has made rules as to the persons to whom such commission shall be issued, the Court shall be bound by such rules.

Procedure of Commissioner.

10. (1) The Commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence, together with his report in writing signed by him, to the Court.

Report and depositions to be evidence in suit.

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the suit and shall form part of the record; but the Court or, with the permission of the Court, any of the parties to the suit, may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report,

Commissioner may be examined in person.

or as to his report, or as to the manner in which he has made the investigation.

(3) Where the Court is for any reason dissatisfied with the proceedings of the Commissioner, it may direct such further inquiry to be made as it shall think fit.

Commissions to examine accounts.

Commission to examine or adjust accounts.

11. In any suit in which an examination or adjustment of accounts is necessary, the Court may issue a commission to such person as it thinks fit directing him to make such examination or adjustment.

Court to give Commissioner necessary instructions.

12. (1) The Court shall furnish the Commissioner with such part of the proceedings and such instructions as appear necessary, and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his examination.

Proceedings and report to be evidence. Court may direct further inquiry.

(2) The proceedings and report (if any) of the Commissioner shall be evidence in the suit, but where the Court has reason to be dissatisfied with them, it may direct such further inquiry as it shall think fit.

Commissions to make partitions.

Commission to make partition of immovable property.

13. Where a preliminary decree for partition has been passed, the Court may, in any case not provided for by Section 54, issue a commission to such person as it thinks fit to make the partition or separation according to the rights as declared in such decree.

Procedure of Commissioner.

14. (1) The Commissioner shall, after such inquiry as may be necessary, divide the property into as many shares as may be directed by the order under which the commission was issued, and shall allot such shares to the parties, and may, if authorised thereto by the said order, award sums to be paid for the purpose of equalizing the value of the shares.

(2) The Commissioner shall then prepare and sign a report or the Commissioners (where the commission was issued to more than one person and they cannot agree) shall prepare and sign separate reports appointing the share of each party and distinguishing each share (if so directed by the said order) by metes and bounds. Such report or reports shall be annexed to the commission and transmitted to the Court; and the Court, after hearing any objections which the parties may make to the report or reports, shall confirm, vary or set aside the same.

(3) Where the Court confirms or varies the report or reports it shall pass a decree in accordance with the same as confirmed or varied; but where the Court sets aside the report or reports it shall either issue a new commission or make such other order as it shall think fit.

General provisions.

Expenses of Commission to be paid into Court.

15. Before issuing any commission under this Order, the Court may order such sum (if any) as it thinks reasonable for the expenses of the commission to be, within a time to be fixed, paid into Court by the party at whose instance or for whose benefit the commission is issued.

Powers of Commissioners.

16. Any Commissioner appointed under this Order may, unless otherwise directed by the order of appointment,—

(*a*) examine the parties themselves and any witness whom they or any of them may produce, and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(*b*) call for and examine documents and other things relevant to the subject of inquiry;

(*c*) at any reasonable time enter upon or into any land or building mentioned in the order.

Attendance and examination of witnesses before Commissioner.

17. (1) The provisions of this Code relating to the summoning, attendance and examination of witnesses, and to the remuneration of, and penalties to be imposed upon, witnesses, shall apply to persons required to give evidence or to produce documents under this Order whether the commission in execution of which they are so required has been issued by a Court situate within or by a Court situate beyond the limits of Mysore, and for the purposes of this rule the Commissioner shall be deemed to be the Civil Court.

(2) A Commissioner may apply to any Court (not being the Chief Court) within the local limits of whose jurisdiction a witness resides for the issue of any process which he may find it necessary to issue to or against such witness, and such Court may, in its discretion, issue such process as it considers reasonable and proper.

Parties to appear before Commissioner.

18. (1) Where a commission is issued under this Order, the Court shall direct that the parties to the suit shall appear before the Commissioner in person or by their agents or pleaders.

(2) Where all or any of the parties do not so appear, the Commissioner may proceed in their absence.

ORDER XXVII.

Suits by the Government or by or against public officers in their official capacity.

Suits by the Government.

1. In any suit by the Government, the plaint shall be signed by such person as the Government may, by general or special order, appoint in this behalf, and shall be verified by any person whom the Government may so appoint and who is acquainted with the facts of the case.

Persons authorized to act for Government.

2. Persons being *ex officio* or otherwise authorized to act for the Government in respect of any judicial proceeding shall be deemed to be the recognized agents by whom appearances, acts and applications under this Code may be made or done on behalf of the Government.

Plaints in suits by Government.

3. In suits by the Government, instead of inserting in the plaint the name and description and place of residence of the plaintiff, it shall be sufficient to insert the words "The Government of Mysore."

Extension of time to enable public officer to make reference to Government.

7. Where the defendant is a public officer and, on receiving the summons, considers it proper to make a reference to the Government before answering the plaint, he may apply to the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channel.

(2) Upon such application the Court shall extend the time for so long as appears to it to be necessary.

Procedure in suits against public officer.

8. (1) Where the Government undertakes the defence of a suit against a public officer, the Government Pleader, upon being furnished with authority to appear and answer the plaint, shall apply to the Court, and upon such application the Court shall cause a note of his authority to be entered in the register of civil suits.

(2) Where no application under sub-rule (1) is made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer, the case shall proceed as in a suit between private parties:

Provided that the defendant shall not be liable to arrest, nor his property to attachment, otherwise than in execution of a decree.

ORDER XXVIII.

Suits by or against Military men.

Officers or soldiers who cannot obtain leave may authorize any person to sue or defend for them.

1. (1) Where any officer or soldier actually serving the Government in a Military capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any person to sue or defend in his stead.

(2) The authority shall be in writing and shall be signed by the officer or soldier in the presence of (*a*) his commanding officer, or the next subordinate officer, if the party is himself the commanding officer, or (*b*) where the officer or soldier is serving in Military staff employment, the head or superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be filed in Court.

(3) When so filed the countersignature shall be sufficient proof that the authority was duly executed, and that the officer or soldier by whom it was granted could not obtain leave of absence for the purpose of prosecuting or defending the suit in person.

Explanation.—In this Order the expression "Commanding Officer" means the officer in actual command for the time being of any regiment, corps, detachment or depot to which the officer or soldier belongs.

Person so authorized may act personally or appoint pleader.

2. Any person authorized by an officer or a soldier to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer or soldier could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer or soldier.

Service on person so authorized, or on his pleader, to be good service.

3. Processes served upon any person authorized by an officer or a soldier under rule 1 or upon any pleader appointed as aforesaid by such person shall be as effectual as if they had been served on the party in person.

ORDER XXIX.

Suits by or against corporations.

Subscription and verification of pleading.

1. In suits by or against a corporation, any pleading may be signed and verified on behalf of the corporation by the secretary or by any director or other principal

officer of the corporation who is able to depose to the facts of the case.

Service on corporation.

2. Subject to any provision of law regulating service of process, where the suit is against a corporation, the summons may be served—

(*a*) on the secretary, or on any director, or other principal officer of the corporation, or

(*b*) by leaving it or sending it by post addressed to the corporation at the registered office, or if there is no registered office, then at the place where the corporation carries on business.

Power to require personal attendance of officer of corporation.

3. The Court may, at any stage of the suit, require the personal appearance of the secretary or of any director, or other principal officer of the corporation who may be able to answer material questions relating to the suit.

ORDER XXX.

Suits by or against firms and persons carrying on business in names other than their own.

Suing of partners in name of firm.

1. (1) Any two or more persons claiming or being liable as partners and carrying on business in Mysore may sue or be sued in the name of the firm (if any) of which such persons were partners at the time of the accruing of the cause of action, and any party to a suit may in such case apply to the Court for a statement of the names and addresses of the persons who were, at the time of the accruing of the cause of action, partners in such firm, to be furnished and verified in such manner as the Court may direct.

(2) Where persons sue or are sued as partners in the name of their firm under sub-rule (1), it shall, in the case of any pleading or other document required by or under this Code to be signed, verified or certified by the plaintiff or the defendant, suffice if such pleading or other document is signed, verified or certified by any one of such persons.

Disclosure of partners' names.

2. (1) Where a suit is instituted by partners in the name of their firm, the plaintiffs or their pleader shall, on demand in writing by or on behalf of any defendant, forthwith declare in writing the names and places of residence of all the persons constituting the firm on whose behalf the suit is instituted.

(2) Where the plaintiffs or their pleader fail to comply with any demand made under sub-rule (1), all proceedings in the suit may, upon an application for that purpose, be stayed upon such terms as the Court may direct.

(3) Where the names of the partners are declared in the manner referred to in sub-rule (1), the suit shall proceed in the same manner, and the same consequences in all respects shall follow, as if they had been named as plaintiffs in the plaint:

Provided that all the proceedings shall nevertheless continue in the name of the firm.

Service.

3. Where persons are sued as partners in the name of their firm, the summons shall be served either—

(*a*) upon any one or more of the partners, or

(*b*) at the principal place at which the partnership business is carried on within Mysore upon any person having, at the time of service, the control or management of the partnership business there,

as the Court may direct; and such service shall be deemed good service upon the firm so sued, whether all or any of the partners are within or without Mysore:

Provided that, in the case of a partnership which has been dissolved to the knowledge of the plaintiff before the institution of the suit, the summons shall be served upon every person within Mysore whom it is sought to make liable.

Right of suit on death of partner.

4. (1) Notwithstanding anything contained in Section 45 of the Indian Contract Act, 1872, as applied to Mysore, where two or more persons may sue or be sued in the name of a firm under the foregoing provisions and any of such persons dies, whether before the institution or during the pendency of any suit, it shall not be necessary to join the legal representative of the deceased as a party to the suit.

(2) Nothing in sub-rule (1) shall limit or otherwise affect any right which the legal representative of the deceased may have—

(*a*) to apply to be made a party to the suit, or

(*b*) to enforce any claim against the survivor or survivors.

Notice in what capacity served.

5. Where a summons is issued to a firm and is served in the manner provided by rule 3, every person upon whom it is served shall be informed by notice in writing given at the time of such service, whether he is served as a partner or as a person having the control or management of the partnership business, or in both characters, and, in default of such notice, the person served shall be deemed to be served as a partner.

Appearance of partners.

6. Where persons are sued as partners in the name of their firm, they shall appear individually in their own names, but all subsequent proceedings shall, nevertheless, continue in the name of the firm.

No appearance except by partners.

7. Where a summons is served in the manner provided by rule 3 upon a person having the control or management of the partnership business, no appearance by him shall be necessary unless he is a partner of the firm sued.

Appearance under protest.

8. Any person served with summons as a partner under rule 3 may appear, under protest, denying that he is a partner, but such appearance shall not preclude the plaintiff from otherwise serving a summons on the firm and obtaining a decree against the firm in default of appearance where no partner has appeared.

Suits between co-partners.

9. This Order shall apply to suits between a firm and one or more of the partners therein and to suits between firms having one or more partners in common; but no execution shall be issued in such suits except by leave of the Court, and, on an application for leave to issue such execution, all such accounts and inquiries may be directed to be taken and made and directions given as may be just.

Order XXX (Rule 10), Order XXXI (Rules 1—3) and Order XXXII (Rules 1—3).

Suit against person carrying on business in name other than his own.

10. Any person carrying on business in a name or style other than his own name may be sued in such name or style as if it were a firm name; and so far as the nature of the case will permit, all rules under this Order shall apply.

ORDER XXXI.

Suits by or against trustees, executors and administrators.

Representation of beneficiaries in suits concerning property vested in trustees, etc.

1. In all suits concerning property vested in a trustee, executor or administrator, where the contention is between the persons beneficially interested in such property and a third person, the trustee, executor or administrator shall represent the persons so interested, and it shall not ordinarily be necessary to make them parties to the suit. But the Court may, if it thinks fit, order them or any of them to be made parties.

Joinder of trustees, executors and administrators.

2. Where there are several trustees, executors or administrators, they shall all be made parties to a suit against one or more of them:

Provided that the executors who have not proved their testator's will, and trustees, executors and administrators outside Mysore, need not be made parties.

Husband of married executrix not to join.

3. Unless the Court directs otherwise, the husband of a married trustee, administratrix or executrix shall not as such be a party to a suit by or against her.

ORDER XXXII.

Suits by or against minors and persons of unsound mind.

Minor to sue by next friend.

1. Every suit by a minor shall be instituted in his name by a person who in such suit shall be called the next friend of the minor.

Where suit is instituted without next friend plaint to be taken off the file.

2. (1) Where a suit is instituted by or on behalf of a minor without a next friend, the defendant may apply to have the plaint taken off the file, with costs to be paid by the pleader or other person by whom it was presented.

(2) Notice of such application shall be given to such person, and the Court, after hearing his objections (if any), may make such order in the matter as it thinks fit.

Guardian for the suit to be appointed by Court for minor defendant.

3. (1) Where the defendant is a minor, the Court, on being satisfied of the fact of his minority, shall appoint a proper person to be guardian for the suit for such minor.

(2) An order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff.

(3) Such application shall be supported by an affidavit verifying the fact that the proposed guardian has no interest in the matters in controversy in the suit adverse to that of the minor and that he is a fit person to be so appointed.

(4) No order shall be made on any application under this rule except upon notice to the minor and to any guardian of the minor appointed or declared by an authority competent in that behalf, or, where there is no such

guardian, upon notice to the father or other natural guardian of the minor, or, where there is no father or other natural guardian, to the person in whose care the minor is, and after hearing any objection which may be urged on behalf of any person served with notice under this sub-rule.

Who may act as next friend or be appointed guardian for the suit.

4. (1) Any person who is of sound mind and has attained majority may act as next friend of a minor or as his guardian for the suit:

Provided that the interest of such a person is not adverse to that of the minor and that he is not, in the case of a next friend, a defendant, or, in the case of a guardian for the suit, a plaintiff.

(2) Where a minor has a guardian appointed or declared by competent authority, no person other than such guardian shall act as the next friend of the minor or be appointed his guardian for the suit unless the Court considers, for reasons to be recorded, that it is for the minor's welfare that another person be permitted to act or be appointed, as the case may be.

(3) No person shall without his consent be appointed guardian for the suit.

(4) Where there is no other person fit and willing to act as guardian for the suit, the Court may appoint any of its officers to be such guardian, and may direct that the costs to be incurred by such officer in the performance of his duties as such guardian shall be borne either by the parties or by any one or more of the parties to the suit, or out of any fund in Court in which the minor is interested, and may give directions for the repayment or allowance of such costs as justice and the circumstances of the case may require.

Representation of minor by next friend or guardian for the suit.

5. (1) Every application to the Court on behalf of a minor, other than an application under rule 10, sub-rule (2), shall be made by his next friend or by his guardian for the suit.

(2) Every order made in a suit or on any application, before the Court in or by which a minor is in any way concerned or affected, without such minor being represented by a next friend or guardian for the suit, as the case may be, may be discharged, and, where the pleader of the party at whose instance such order was obtained knew, or might reasonably have known, the fact of such minority, with costs to be paid by such pleader.

Receipt by next friend or guardian for the suit of property under decree for minor.

6. (1) A next friend or guardian for the suit shall not, without the leave of the Court, receive any money or other movable property on behalf of a minor either—

(*a*) by way of compromise before decree or order, or,

(*b*) under a decree or order in favour of the minor.

(2) Where the next friend or guardian for the suit has not been appointed or declared by competent authority to be guardian of the property of the minor, or, having been so appointed or declared, is under any disability known to the Court to receive the money or other movable property, the Court shall, if it grants him leave to receive the property, require such security and give such directions as will, in its opinion, sufficiently protect the property from waste and ensure its proper application.

Agreement or compromise by next friend or guardian for the suit.

7. (1) No next friend or guardian for the suit shall, without the leave of the Court, expressly recorded in the proceedings, enter into any agreement or compromise on behalf of a minor with reference to the suit in which he acts as next friend or guardian.

(2) Any such agreement or compromise entered into without the leave of the Court so recorded shall be voidable against all parties other than the minor.

Retirement of next friend.

8. (1) Unless otherwise ordered by the Court, a next friend shall not retire without first procuring a fit person to be put in his place and giving security for the costs already incurred.

(2) The application for the appointment of a new next friend shall be supported by an affidavit showing the fitness of the person proposed, and also that he has no interest adverse to that of the minor.

Removal of next friend.

9. (1) Where the interest of the next friend of a minor is adverse to that of the minor or where he is so connected with a defendant whose interest is adverse to that of the minor as to make it unlikely that the minor's interest will be properly protected by him, or where he does not do his duty, or, during the pendency of the suit, ceases to reside within Mysore, or for any other sufficient cause, application may be made on behalf of the minor or by a defendant for his removal; and the Court, if satisfied of the sufficiency of the cause assigned, may order the next friend to be removed accordingly, and make such other order as to costs as it thinks fit.

(2) Where the next friend is not a guardian appointed or declared by an authority competent in this behalf, and an application is made by a guardian so appointed or declared, who desires to be himself appointed in the place of the next friend, the Court shall remove the next friend unless it considers, for reasons to be recorded by it, that the guardian ought not to be appointed the next friend of the minor, and shall thereupon appoint the applicant to be next friend in his place upon such terms as to the costs already incurred in the suit as it thinks fit.

Stay of proceedings on removal, etc., of next friend.

10. (1) On the retirement, removal or death of the next friend of a minor, further proceedings shall be stayed until the appointment of a next friend in his place.

(2) Where the pleader of such minor omits, within a reasonable time, to take steps to get a new next friend appointed, any person interested in the minor or in the matter in issue may apply to the Court for the appointment of one, and the Court may appoint such person as it thinks fit.

Retirement, removal or death of guardian for the suit.

11. (1) Where the guardian for the suit desires to retire or does not do his duty, or where other sufficient ground is made to appear, the Court may permit such guardian to retire or may remove him, and may make such order as to costs as it thinks fit.

(2) Where the guardian for the suit retires, dies or is removed by the Court during the pendency of the suit, the Court shall appoint a new guardian in his place.

Course to be followed by minor plaintiff or applicant on attaining majority.

12. (1) A minor plaintiff or a minor not a party to a suit on whose behalf an application is pending shall, on attaining majority, elect whether he will proceed with the suit or application.

(2) Where he elects to proceed with the suit or application, he shall apply for an order discharging the next friend and for leave to proceed in his own name.

(3) The title of the suit or application shall in such case be corrected so as to read thenceforth thus:—

"A. B., late a minor, by C. D., his next friend, but now having attained majority."

(4) Where he elects to abandon the suit or application, he shall, if a sole plaintiff or sole applicant, apply for an order to dismiss the suit or application on repayment of the costs incurred by the defendant or opposite party or which may have been paid by his next friend.

(5) Any application under this rule may be made *ex parte*: but no order discharging a next friend and permitting a minor plaintiff to proceed in his own name shall be made without notice to the next friend.

Where minor co-plaintiff attaining majority desires to repudiate suit.

13. (1) Where a minor co-plaintiff on attaining majority desires to repudiate the suit, he shall apply to have his name struck out as co-plaintiff; and the Court, if it finds that he is not a necessary party, shall dismiss him from the suit on such terms as to costs or otherwise as it thinks fit.

(2) Notice of the application shall be served on the next friend, on any co-plaintiff and on the defendant.

(3) The costs of all parties of such application, and of all or any proceedings theretofore had in the suit, shall be paid by such persons as the Court directs.

(4) Where the applicant is a necessary party to the suit, the Court may direct him to be made a defendant.

Unreasonable or improper suit.

14. (1) A minor on attaining majority may, if a sole plaintiff, apply that a suit instituted in his name by a next friend be dismissed on the ground that it was unreasonable or improper.

(2) Notice of the application shall be served on all the parties concerned; and the Court, upon being satisfied of such unreasonableness or impropriety may grant the application and order the next friend to pay the costs of all parties in respect of the application and of anything done in the suit, or make such other order as it thinks fit.

Application of rules to persons of unsound mind.

15. The provisions contained in rules 1 to 14, so far as they are applicable, shall extend to persons adjudged to be of unsound mind and to persons who though not so adjudged are found by the Court on inquiry, by reason of unsoundness of mind or mental infirmity, to be incapable of protecting their interests when suing or being sued.

Savings.

16. Nothing in this Order shall be construed to affect or in any way derogate from the provisions of any other law for the time being in force relating to suits by or against minors or by or against lunatics or other persons of unsound mind.

ORDER XXXIII.

Suits by paupers.

Suits may be instituted *in forma pauperis*.

1. Subject to the following provisions, any suit may be instituted by a pauper.

Explanation.—A person is a "pauper" when he is not possessed of sufficient means to enable him to pay the

fee prescribed by law for the plaint in such suit, or, where no such fee is prescribed, when he is not entitled to property worth one hundred rupees other than his necessary wearing apparel and the subject-matter of the suit.

Contents of application.

2. Every application for permission to sue as a pauper shall contain the particulars required in regard to plaints in suits: a schedule of any movable or immovable property belonging to the applicant, with the estimated value thereof, shall be annexed thereto; and it shall be signed and verified in the manner prescribed for the signing and verification of pleadings.

Presentation of application.

3. Notwithstanding anything contained in these rules, the application shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court, in which case the application may be presented by an authorized agent who can answer all material questions relating to the application, and who may be examined in the same manner as the party represented by him might have been examined had such party attended in person.

Examination of applicant.

4. (1) Where the application is in proper form and duly presented, the Court may, if it thinks fit, examine the applicant, or his agent when the applicant is allowed to appear by agent, regarding the merits of the claim and the property of the applicant.

If presented by agent, Court may order applicant to be examined by commission.

(2) Where the application is presented by an agent, the Court may, if it thinks fit, order that the applicant be examined by a commission in the manner in which the examination of an absent witness may be taken.

Rejection of application.

5. The Court shall reject an application for permission to sue as a pauper—

(*a*) where it is not framed and presented in the manner prescribed by rules 2 and 3, or

(*b*) where the applicant is not a pauper, or

(*c*) where he has, within two months next before the presentation of the application, disposed of any property fraudulently or in order to be able to apply for permission to sue as a pauper, or

(*d*) where his allegations do not show a cause of action, or

(*e*) where he has entered into any agreement with reference to the subject-matter of the proposed suit under which any other person has obtained an interest in such subject-matter.

Notice of day for receiving evidence of applicant's pauperism.

6. Where the Court sees no reason to reject the application on any of the grounds stated in rule 5, it shall fix a day (of which at least ten days' clear notice shall be given to the opposite party and the Deputy Commissioner) for receiving such evidence as the applicant may adduce in proof of his pauperism, and for hearing any evidence which may be adduced in disproof thereof.

Procedure at hearing.

7. (1) On the day so fixed or as soon thereafter as may be convenient, the Court shall examine the witnesses (if any) produced by either party, and may examine the applicant or his agent, and shall make a memorandum of the substance of their evidence.

(2) The Court shall also hear any argument which the parties may desire to offer on the question whether, on the face of the application and of the evidence (if any) taken by the Court as herein provided, the applicant is or is not subject to any of the prohibitions specified in rule 5.

(3) The Court shall then either allow or refuse to allow the applicant to sue as a pauper.

Procedure if application admitted.

8. Where the application is granted, it shall be numbered and registered, and shall be deemed the plaint in the suit, and the suit shall proceed in all other respects as a suit instituted in the ordinary manner, except that the plaintiff shall not be liable to pay any court-fee (other than fees payable for service of process) in respect of any petition, appointment of a pleader, or other proceeding connected with the suit.

Dispaupering.

9. The Court may, on the application of the defendant, or of the Deputy Commissioner of which seven days' clear notice in writing has been given to the plaintiff, order the plaintiff to be dispaupered—

(*a*) if he is guilty of vexatious or improper conduct in the course of the suit;

(*b*) if it appears that his means are such that he ought not to continue to sue as a pauper; or

(*c*) if he has entered into any agreement with reference to the subject-matter of the suit, under which any other person has obtained an interest in such subject-matter.

Costs where pauper succeeds.

10. Where the plaintiff succeeds in the suit, the Court shall calculate the amount of court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper; such amount shall be recoverable by the Government from any party ordered by the decree to pay the same, and shall be a first charge on the subject-matter of the suit.

Procedure where pauper fails.

11. Where the plaintiff fails in the suit or is dispaupered, or where the suit is withdrawn or dismissed—

(*a*) because the summons for the defendant to appear and answer has not been served upon him in consequence of the failure of the plaintiff to pay the Court-fee or postal charges (if any) chargeable for such service, or

(*b*) because the plaintiff does not appear when the suit is called on for hearing,

the Court shall order the plaintiff, or any person added as a co-plaintiff to the suit, to pay the court-fees which would have been paid by the plaintiff if he had not been permitted to sue as a pauper.

Government may apply for payment of court-fees.

12. The Government shall have the right at any time to apply to the Court to make an order for the payment of court-fees under rule 10 or rule 11.

Government to be deemed a party.

13. All matters arising between the Government and any party to the suit under rule 10, rule 11 or rule 12 shall be deemed to be questions arising between the parties to the suit within the meaning of section 47.

Copy of decree to be sent to Deputy Commissioner.

14. Where an order is made under rule 10, rule 11 or rule 12, the Court shall forthwith cause a copy of the decree to be forwarded to the Deputy Commissioner.

15. An order refusing to allow the applicant to sue as a pauper shall be a bar to any subsequent application of the like nature by him in respect of the same right to sue; but the applicant shall be at liberty to institute a suit in the ordinary manner in respect of such right, provided that he first pays the costs (if any) incurred by the Government and by the opposite party, in opposing his application for leave to sue as a pauper. Refusal to allow applicant to sue as pauper to bar subsequent application of like nature.

16. The costs of an application for permission to sue as a pauper and of an inquiry into pauperism shall be costs in the suit. Costs.

ORDER XXXIV.

Suits relating to mortgages of immovable property.

1. Subject to the provisions of this Code, all persons having an interest either in the mortgage-security or in the right of redemption shall be joined as parties to any suit relating to the mortgage. Parties to suits for foreclosure, sale and redemption.

Explanation. A puisne mortgagee may sue for foreclosure or for sale without making the prior mortgagee a party to the suit, and a prior mortgagee need not be joined in a suit to redeem a subsequent mortgage.

2. In a suit for foreclosure, if the plaintiff succeeds, the Court shall pass a decree— Preliminary decree in foreclosure suit.

(*a*) ordering that an account be taken of what will be due to the plaintiff for principal and interest on the mortgage, and for his costs of the suit (if any) awarded to him on the day next hereinafter referred to, or

(*b*) declaring the amount so due at the date of such decree,

and directing—

(*c*) that if the defendant pays into Court the amount so due on a day within six months from the date declaring in Court the amount so due to be fixed by the Court, the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, re-transfer the property to the defendant free from the mortgage and from all incumbrances created by the plaintiff or any person claiming under him, or, where the plaintiff claims by derived title, by those under whom he claims, and shall also, if necessary, put the defendant in possession of the property, but

(*d*) that, if such payment is not made on or before the day to be fixed by the Court, the defendant shall be debarred from all right to redeem the property.

3. (1) Where, on or before the day fixed, the defendant pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the Court shall pass a decree— Final decree in foreclosure suit.

(*a*) ordering the plaintiff to deliver up the documents which under the terms of the preliminary decree he is bound to deliver up and, if so required,

(*b*) ordering him to retransfer the mortgaged property as directed in the said decree,

and, also, if necessary,

(*c*) ordering him to put the defendant in possession of the property.

(2) Where such payment is not so made, the Court shall, on application made in that behalf by the plaintiff, pass a decree that the defendant and all persons claiming through or under him be debarred from all right to redeem the mortgaged property and also, if necessary, ordering the defendant to put the plaintiff in possession of the property:

Power to enlarge time.

Provided that the Court may, upon good cause shown and upon such terms (if any) as it thinks fit, from time to time postpone the day fixed for such payment.

Discharge of debt.

(3) On the passing of a decree under sub-rule (2) the debt secured by the mortgage shall be deemed to be discharged.

Preliminary decree in suit for sale.

4. (1) In a suit for sale, if the plaintiff succeeds, the Court shall pass a decree to the effect mentioned in clauses (*a*), (*b*) and (*c*) of rule 2 and also directing that, in default of the defendant paying as therein mentioned, the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is declared due to the plaintiff as aforesaid, together with subsequent interest, and subsequent costs, and that the balance (if any) be paid to the defendant or other persons entitled to receive the same.

Power to decree sale in foreclosure-suit.

(2) In a suit for foreclosure, if the plaintiff succeeds and the mortgage is not a mortgage by conditional sale, the Court may, at the instance of the plaintiff or of any person interested either in the mortgage money or in the right of redemption, pass a like decree (in lieu of a decree for foreclosure) on such terms as it thinks fit including the deposit in Court of a reasonable sum, fixed by the Court, to meet the expenses of sale and to secure the performance of the terms.

Final decree in suit for sale.

5. (1) Where on or before the day fixed the defendant pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the Court shall pass a decree—

(*a*) ordering the plaintiff to deliver up the documents which under the terms of the preliminary decree he is bound to deliver up,

and, if so required,

(*b*) ordering him to retransfer the mortgaged property as directed in the said decree,

and, also, if necessary,

(*c*) ordering him to put the defendant in possession of the property.

(2) Where such payment is not so made, the Court shall, on application made in that behalf by the plaintiff, pass a decree that the mortgaged property, or a sufficient part thereof, be sold, and that the proceeds of the sale be dealt with as is mentioned in rule 4.

Recovery of balance due on mortgage.

6. Where the net proceeds of any such sale are found to be insufficient to pay the amount due to the plaintiff, if the balance is legally recoverable from the defendant otherwise than out of the property sold, the Court may pass a decree for such amount.

Preliminary decree in redemption suit.

7. In a suit for redemption, if the plaintiff succeeds, the Court shall pass a decree—

(*a*) ordering that an account be taken of what will be due to the defendant for principal and interest on the mortgage, and for his costs of the suit (if any) awarded to him on the day next hereinafter referred to, or

(*b*) declaring the amount so due at the date of such decree,

and directing,—

(*c*) that, if the plaintiff pays into Court the amount so due on a day within six months from the date of declaring in Court the amount so due, to be fixed by the Court, the defendant shall deliver up to the plaintiff, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him, or, where the defendant claims by derived title, by those under whom he claims, and shall, if necessary, put the plaintiff in possession of the property, but

(*d*) that, if such payment is not made on or before the day to be fixed by the Court, the plaintiff shall (unless the mortgage is simple or usufructuary) be debarred from all right to redeem or (unless the mortgage is by conditional sale) that the mortgaged property be sold.

Final decree in redemption suit.

8. (1) Where, on or before the day fixed, the plaintiff pays into Court the amount declared due as aforesaid, together with such subsequent costs as are mentioned in rule 10, the Court shall pass a decree—

(*a*) ordering the defendant to deliver up the documents which under the terms of the preliminary decree he is bound to deliver up,

and, if so required,

(*b*) ordering him to retransfer the mortgaged property as directed in the said decree,

and, also, if necessary,

(*c*) ordering him to put the plaintiff in possession of the property.

(2) Where such payment is not so made, and the mortgage is not simple or usufructuary, the Court shall, on application made in that behalf by the defendant, pass a decree that the plaintiff and all persons claiming through or under him be debarred from all right to redeem the mortgaged property and also, if necessary, ordering the plaintiff to put the defendant in possession of the property.

(3) On the passing of a decree under sub-rule (2) the debt secured by the mortgage shall be deemed to be discharged.

(4) Where such payment is not so made, and the mortgage is not by conditional sale, the Court shall, on application made in that behalf by the defendant, pass a decree that the mortgaged property or a sufficient part thereof be sold and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is found due to the defendant, and that the balance (if any) be paid to the plaintiff or other persons entitled to receive the same.

Power to enlarge time.

Provided that the Court may, upon good cause shown and upon such terms (if any) as it thinks fit, from time to time, postpone the day fixed for payment.

Decree where nothing is found due or where mortgagee has been overpaid.

9. Notwithstanding anything hereinbefore contained, if it appears, upon taking the account referred to in rule 7, that nothing is due to the defendant or that he has been overpaid, the Court shall pass a decree directing the defendant, if so required, to re-transfer the property and to pay to the plaintiff the amount which may be found due to him; and the plaintiff shall, if necessary, be put in possession of the mortgaged property.

Costs of mortgagee subsequent to decree.

10. In finally adjusting the amount to be paid to a mortgagee in case of a foreclosure or sale or redemption, the Court shall, unless the conduct of the mortgagee has been such as to disentitle him to costs, add to the mortgage-money such costs of suit as have been properly incurred by him since the decree for foreclosure or sale or redemption up to the time of actual payment.

Right of mesne mortgagee to redeem and foreclose.

11. Where property is mortgaged for successive debts to successive mortgagees, any mesne mortgagee may institute a suit to redeem the interests of the prior mortgagees and to foreclose the rights of those that are posterior to himself and of the mortgagor.

Sale of property subject to prior mortgage.

12. Where any property the sale of which is directed under this order is subject to a prior mortgage, the Court may, with the consent of the prior mortgagee, direct that the property be sold free from the same, giving to such prior mortgagee the same interest in the proceeds of the sale as he had in the property sold.

Application of proceeds.

13. Such proceeds shall be brought into Court and applied as follows:—

first, in payment of all expenses incident to the sale or properly incurred in any attempted sale;

secondly, in payment of whatever is due to the prior mortgagee on account of the prior mortgage, and of costs, properly incurred in connection therewith;

thirdly, in payment of all interest due on account of the mortgage in consequence whereof the sale was directed, and of the costs of the suit in which the decree directing the sale was made;

fourthly, in payment of the principal money due on account of that mortgage; and

lastly, the residue (if any) shall be paid to the person proving himself to be interested in the property sold, or if there are more such persons than one, then to such persons according to their respective interests therein or upon their joint receipt.

Savings.

14. Nothing in this order shall be construed to give any party a remedy which he has not got by his contract or the law applicable thereto or to take away or in any manner limit any remedy that he is entitled to under such contract or such law.

Charges.

15. All the provisions contained in this Order as to the sale or redemption of mortgaged property shall, so far as may be, apply to property subject to a charge.

ORDER XXXV.

Interpleader.

Plaint in interpleader-suit.

1. In every suit of interpleader the plaint shall, in addition to the other statements necessary for plaints, state—

(*a*) that the plaintiff claims no interest in the subject-matter in dispute other than for charges or costs;

(*b*) the claims made by the defendants severally; and

(*c*) that there is no collusion between the plaintiff and any of the defendants.

Payment of thing claimed into Court.

2. Where the thing claimed is capable of being paid into Court or placed in the custody of the Court, the plaintiff may be required to so pay or place it before he can be entitled to any order in the suit.

Procedure where defendant is suing plaintiff.

3. Where any of the defendants in an interpleader-suit is actually suing the plaintiff in respect of the subject-matter of such suit, the Court in which the suit against the plaintiff is pending shall, on being informed by the Court in which the interpleader-suit has been instituted, stay the proceedings as against him; and his costs in the suit so stayed may be provided for in such suit; but if, and in so far as, they are not provided for in that suit, they may be added to his costs incurred in the interpleader-suit.

Procedure at first hearing.

4. (1) At the first hearing the Court may—

(*a*) declare that the plaintiff is discharged from all liability to the defendants in respect of the thing claimed, award him his costs, and dismiss him from the suit; or

(*b*) if it thinks that justice or convenience so require, retain all parties until the final disposal of the suit.

(2) Where the Court finds that the admissions of the parties or other evidence enable it to do so, it may adjudicate the title to the thing claimed.

(3) Where the admissions of the parties do not enable the Court so to adjudicate, it may direct—

(*a*) that an issue or issues between the parties be framed and tried, and

(*b*) that any claimant be made a plaintiff in lieu of or in addition to the original plaintiff,

and shall proceed to try the suit in the ordinary manner.

Agents and tenants may not institute interpleader-suits.

5. Nothing in this Order shall be deemed to enable agents to sue their principals, or tenants to sue their landlords, for the purpose of compelling them to interplead with any persons other than persons making claim through such principals or landlords.

Illustrations.

(*a*) A deposits a box of jewels with B as his agent. C alleges that the jewels were wrongfully obtained from him by A, and claims them from B. B cannot institute an interpleader-suit against A and C.

(*b*) A deposits a box of jewels with B as his agent. He then writes to C for the purpose of making the jewels a security for a debt due from himself to C. A afterwards alleges that C's debt is satisfied, and C alleges the contrary. Both claim the jewels from B. B may institute an interpleader-suit against A and C.

Charge for plaintiff's costs.

7. Where the suit is properly instituted the Court may provide for the costs of the original plaintiff by giving him a charge on the thing claimed or in some other effectual way.

ORDER XXXVI.

Special case.

Power to state case for Court's opinion.

1. (1) Parties claiming to be interested in the decision of any question of fact or law may enter into an agreement in writing stating such question in the form of a case for the opinion of the Court, and providing that, upon the finding of the Court with respect to such question,—

(*a*) a sum of money fixed by the parties or to be determined by the Court shall be paid by one of the parties to the other of them; or

(*b*) some property, movable or immovable, specified in the agreement, shall be delivered by one of the parties to the other of them; or

(*c*) one or more of the parties shall do, or refrain from doing, some other particular act specified in the agreement.

(2) Every case stated under this rule shall be divided into consecutively numbered paragraphs, and shall concisely state such facts and specify such documents as may be necessary to enable the Court to decide the question raised thereby.

Where value of subject-matter must be stated.

2. Where the agreement is for the delivery of any property or for the doing, or the refraining from doing, any particular act, the estimated value of the property to be delivered, or to which the act specified has reference, shall be stated in the agreement.

Agreement to be filed and registered as suit.

3. (1) The agreement, if framed in accordance with the rules hereinbefore contained, may be filed in the Court which would have jurisdiction to entertain a suit, the amount or value of the subject-matter of which is the same as the amount or value of the subject-matter of the agreement.

(2) The agreement, when so filed, shall be numbered and registered as a suit between one or more of the parties claiming to be interested as plaintiff or plaintiffs, and the other or the others of them as defendant or defendants; and notice shall be given to all the parties to the agreement, other than the party or parties by whom it was presented.

Parties to be subject to Court's jurisdiction.

4. Where the agreement has been filed, the parties to it shall be subject to the jurisdiction of the Court and shall be bound by the statements contained therein.

Hearing and disposal of case.

5. (1) The case shall be set down for hearing as a suit instituted in the ordinary manner, and the provisions of this Code shall apply to such suit so far as the same are applicable.

(2) Where the Court is satisfied, after examination of the parties, or after taking such evidence as it thinks fit,—

(*a*) that the agreement was duly executed by them,

(*b*) that they have a *bona fide* interest in the question stated therein, and

(*c*) that the same is fit to be decided,

it shall proceed to pronounce judgment thereon, in the same way as in an ordinary suit, and upon the judgment so pronounced a decree shall follow.

ORDER XXXVII.

Summary procedure on negotiable instruments.

Application of Order.

1. This Order shall apply only to Courts having ordinary original civil jurisdiction to which the Government may, by notification in the official Gazette, apply it.

Institution summary suits upon bills of exchange, etc.

2. (1) All suits upon bills of exchange hundis or promissory notes may, in case the plaintiff desires to proceed hereunder, be instituted by presenting a plaint in the form prescribed; but the summons shall be in Form No: 4 in Appendix B or in such other form as may be from time to time prescribed.

(2) In any case in which the plaint and summons are in such forms, respectively, the defendant shall not appear or defend the suit unless he obtains leave from a Judge as hereinafter provided so to appear and defend; and, in default of his obtaining such leave or of his appearance and defence in pursuance thereof, the allegations in the plaint shall be deemed to be admitted, and the plaintiff shall be entitled to a decree for any sum not exceeding the sum mentioned in the summons, together with interest at the rate specified (if any) to the date of the decree, and such sum for costs as may be prescribed, unless the plaintiff claims more than such fixed sum, in which case the costs shall be ascertained in the ordinary way, and such decree may be executed forthwith.

Defendant showing defence on merits to have leave to appear.

3. (1) The Court shall, upon application by the defendant, give leave to appear and to defend the suit, upon affidavits which disclose such facts as would make it incumbent on the holder to prove consideration, or such other facts as the Court may deem sufficient to support the application.

(2) Leave to defend may be given unconditionally or subject to such terms as to payment into Court, giving security, framing and recording issues or otherwise as the Court thinks fit.

Power to set aside decree.

4. After decree the Court may, under special circumstances, set aside the decree, and if necessary stay or set aside execution, and may give leave to the defendant to appear to the summons and to defend the suit, if it seems reasonable to the Court so to do, and on such terms as the Court thinks fit.

Power to order bill, etc., to be deposited with officer of Court.

5. In any proceeding under this order the Court may order the bill, hundi or note on which the suit is founded to be forthwith deposited with an officer of the Court, and may further order that all proceedings shall be stayed until the plaintiff gives security for the costs thereof.

Recovery of cost of noting non-acceptance of dishonoured bill or note.

6. The holder of every dishonoured bill of exchange or promissory note shall have the same remedies for the recovery of the expenses incurred in noting the same for non-acceptance or non-payment, or otherwise, by reason of such dishonor, as he has under this Order for the recovery of the amount of such bill or note.

Order XXXVII (Rule 7) and Order XXXVIII (Rules 1—3).

Procedure in suits.

7. Save as provided by this Order, the procedure in suits hereunder shall be the same as the procedure in suits instituted in the ordinary manner.

ORDER XXXVIII.

ARREST AND ATTACHMENT BEFORE JUDGMENT.

Arrest before judgment.

Where defendant may be called upon to furnish security for appearance.

1. Where at any stage of a suit, other than a suit of the nature referred to in section 16, clauses (*a*) to (*d*), the Court is satisfied, by affidavit or otherwise,—

(*a*) that the defendant, with intent to delay the plaintiff, or to avoid any process of the Court or to obstruct or delay the execution of any decree that may be passed against him,—

(*i*) has absconded or left the local limits of the jurisdiction of the Court, or

(*ii*) is about to abscond or leave the local limits of the jurisdiction of the Court, or

(*iii*) has disposed of or removed from the local limits of the jurisdiction of the Court his property or any part thereof, or

(*b*) that the defendant is about to leave Mysore under circumstances affording reasonable probability that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant in the suit,

the Court may issue a warrant to arrest the defendant and bring him before the Court to show cause why he should not furnish security for his appearance:

Provided that the defendant shall not be arrested if he pays to the officer entrusted with the execution of the warrant any sum specified in the warrant as sufficient to satisfy the plaintiff's claim; and such sum shall be held in deposit by the Court until the suit is disposed of or until the further order of the Court.

Security.

2. (1) Where the defendant fails to show such cause the Court shall order him either to deposit in Court money or other property sufficient to answer the claim against him, or to furnish security for his appearance at any time when called upon while the suit is pending and until satisfaction of any decree that may be passed against him in the suit, or make such order as it thinks fit in regard to the sum which may have been paid by the defendant under the proviso to the last preceding rule.

(2) Every surety for the appearance of a defendant shall bind himself, in default of such appearance, to pay any sum of money which the defendant may be ordered to pay in the suit.

Procedure on application by surety to be discharged

3. (1) A surety for the appearance of a defendant may at any time apply to the Court in which he became such surety to be discharged from his obligation.

(2) On such application being made, the Court shall summon the defendant to appear or, if it thinks fit, may issue a warrant for his arrest in the first instance.

(3) On the appearance of the defendant in pursuance of the summons or warrant, or on his voluntary surrender, the Court shall direct the surety to be discharged from his obligation, and shall call upon the defendant to find fresh security.

Procedure where defendant fails to furnish security or find fresh security.

4. Where the defendant fails to comply with any order under rule 2 or rule 3, the Court may commit him to the civil prison until the decision of the suit or, where a decree is passed against the defendant, until the decree has been satisfied:

Provided that no person shall be detained in prison under this rule in any case for a longer period than six months, nor for a longer period than six weeks when the amount or value of the subject-matter of the suit does not exceed fifty rupees:

Provided also that no person shall be detained in prison under this rule after he has complied with such order.

Attachment before judgment.

Where defendant may be called upon to furnish security for production of property.

5. (1) Where, at any stage of a suit, the Court is satisfied, by affidavit or otherwise, that the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him,—

(*a*) is about to dispose of the whole or any part of his property, or

(*b*) is about to remove the whole or any part of his property from the local limits of the jurisdiction of the Court,

the Court may direct the defendant, within a time to be fixed by it, either to furnish security, in such sum as may be specified in the order, to produce and place at the disposal of the Court, when required, the said property or the value of the same, or such portion thereof as may be sufficient to satisfy the decree, or to appear and show cause why he should not furnish security.

(2) The plaintiff shall, unless the Court otherwise directs, specify the property required to be attached and the estimated value thereof.

(3) The Court may also in the order direct the conditional attachment of the whole or any portion of the property so specified.

Attachment where cause not shown or security not furnished.

6. (1) Where the defendant fails to show cause why he should not furnish security or fails to furnish the security required, within the time fixed by the Court, the Court may order that the property specified, or such portion thereof as appears sufficient to satisfy any decree which may be passed in the suit, be attached.

(2) Where the defendant shows such cause or furnishes the required security, and the property specified or any portion of it has been attached, the Court shall order the attachment to be withdrawn, or make such other order as it thinks fit.

Mode of making attachment.

7. Save as otherwise expressly provided, the attachment shall be made in the manner provided for the attachment of property in execution of a decree.

Order XXXVIII (Rules 8—12) and Order XXXIX (Rules 1 and 2).

Investigation of claim to property attached before judgment.

8. Where any claim is preferred to property attached before judgment, such claim shall be investigated in the manner hereinbefore provided for the investigation of claims to property attached in execution of a decree for the payment of money.

Removal of attachment when security furnished or suit dismissed.

9. Where an order is made for attachment before judgment, the Court shall order the attachment to be withdrawn when the defendant furnishes the security required, together with security for the costs of the attachment, or when the suit is dismissed.

Attachment before judgment not to affect rights of strangers, nor bar decree-holder from applying for sale.

10. Attachment before judgment shall not affect the rights, existing prior to the attachment, of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Property attached before judgment not to be re-attached in execution of decree.

11. Where property is under attachment by virtue of the provisions of this Order and a decree is subsequently passed in favor of the plaintiff, it shall not be necessary upon an application for execution of such decree to apply for a re-attachment of the property.

Agricultural produce not attachable before judgment.

12. Nothing in this Order shall be deemed to authorize the plaintiff to apply for the attachment of any agricultural produce in the possession of an agriculturist, or to empower the Court to order the attachment or production of such produce.

ORDER XXXIX.

TEMPORARY INJUNCTIONS AND INTERLOCUTORY ORDERS.

Temporary injunctions.

Cases in which temporary injunction may be granted.

1. Where in any suit it is proved by affidavit or otherwise—

(*a*) that any property in dispute in a suit is in danger of being wasted, damaged or alienated by any party to the suit, or wrongfully sold in execution of a decree, or

(*b*) that the defendant threatens, or intends, to remove or dispose of his property with a view to defraud his creditors,

the Court may by order grant a temporary injunction to restrain such act, or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of the property as the Court thinks fit, until the disposal of the suit or until further orders.

Injunction to restrain repetition or continuance of breach.

2. (1) In any suit for restraining the defendant from committing a breach of contract or other injury of any kind, whether compensation is claimed in the suit or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgment, apply to the Court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of on any breach of contractor injures of a like kind araising out of the same contract or relating to the same property or right.

(2) The Court may by order grant such injunction, on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as the Court thinks fit.

Order XXXIX (Rules 3—8).

(3) In case of disobedience, or of breach of any such terms, the Court granting an injunction may order the property of the person guilty of such disobedience or breach to be attached and may also order such person to be detained in the civil prison for a term not exceeding six months, unless in the meantime the Court directs his release.

(4) No attachment under this rule shall remain in force for more than one year, at the end of which time, if the disobedience or breach continues, the property attached may be sold, and out of the proceeds the Court may award such compensation as it thinks fit, and shall pay the balance, if any, to the party entitled thereto.

Before granting injunction Court to direct notice to opposite party.

3. The Court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party.

Order for injunction may be discharged, varied or set aside.

4. Any order for an injunction may be discharged, or varied, or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Injunction to corporation binding on its officers.

5. An injunction directed to a corporation is binding not only on the corporation itself, but also on all members and officers of the corporation whose personal action it seeks to restrain.

Interlocutory orders.

Power to order interim sale.

6. The Court may, on the application of any party to a suit, order the sale, by any person named in such order, and in such manner and on such terms as it thinks fit, of any movable property, being the subject-matter of such suit, or attached before judgment in such suit, which is subject to speedy and natural decay, or which for any other just and sufficient cause it may be desirable to have sold at once.

Detention, preservation, inspection, etc., of subject-matter of suit.

7. (1) The Court may, on the application of any party to a suit, and on such terms as it thinks fit,—

(*a*) make an order for the detention, preservation or inspection of any property which is the subject-matter of such suit, or as to which any question may arise therein;

(*b*) for all or any of the purposes aforesaid authorize any person to enter upon or into any land or building in the possession of any other party to such suit; and

(*c*) for all or any of the purposes aforesaid authorize any samples to be taken, or any observation to be made or experiment to be tried, which may seem necessary or expedient for the purpose of obtaining full information or evidence.

(2) The provisions as to execution of process shall apply, *mutatis mutandis*, to persons authorized to enter under this rule.

Application for such orders to be after notice.

8. (1) An application by the plaintiff for an order under rule 6 or rule 7 may be made after notice to the defendant at any time after institution of the suit.

(2) An application by the defendant for a like order may be made after notice to the plaintiff at any time after appearance.

When party may be put in immediate possession of land the subject-matter of suit.

9. Where land paying revenue to Government, or a tenure liable to sale, is the subject-matter of a suit, if the party in possession of such land or tenure neglects to pay the Government revenue or the rent due to the proprietor of the tenure, as the case may be, and such land or tenure is consequently ordered to be sold, any other party to the suit claiming to have an interest in such land or tenure may, upon payment of the revenue or rent due previously to the sale (and with or without security at the discretion of the Court), be put in immediate possession of the land or tenure;

and the Court in its decree may award against the defaulter the amount so paid, with interest thereon at such rate as the Court thinks fit, or may charge the amount so paid with interest thereon at such rate as the Court orders, in any adjustment of accounts which may be directed in the decree passed in the suit.

Deposit of money, etc., in Court.

10. Where the subject-matter of a suit is money or some other thing capable of delivery and any party thereto admits that he holds such money or other thing as a trustee for another party, or that it belongs or is due to another party, the Court may order the same to be deposited in Court or delivered to such last-named party, with or without security, subject to the further direction of the Court.

ORDER XL.

Appointment of receivers.

Appointment of receivers.

1. (1) Where it appears to the Court to be just and convenient, the Court may by order—

(*a*) appoint a receiver of any property, whether before or after decree;

(*b*) remove any person from the possession or custody of the property;

(*c*) commit the same to the possession, custody or management of the receiver; and

(*d*) confer upon the receiver all such powers as to bringing and defending suits and for the realization, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Court thinks fit.

(2) Nothing in this rule shall authorize the Court to remove from the possession or custody of property any person whom any party to the suit has not a present right so to remove.

Remuneration.

2. The Court may by general or special order fix the amount to be paid as remuneration for the services of the receiver.

Duties.

3. Every receiver so appointed shall—

(*a*) furnish such security (if any) as the Court thinks fit, duly to account for what he shall receive in respect of the property;

(*b*) submit his accounts at such ... and in such form as the Court directs;

(*c*) pay the amount due from him as the Court directs; and

(*d*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

Enforcement of receiver's duties.

4. Where a receiver—

(*a*) fails to submit his accounts at such periods and in such form as the Court directs, or

(*b*) fails to pay the amount due from him as the Court directs, or

(*c*) occasions loss to the property by his wilful default or gross negligence,

the Court may direct his property to be attached and may sell such property, and may apply the proceeds to make good any amount found to be due from him or any loss occasioned by him, and shall pay the balance (if any) to the receiver.

When Deputy Commissioner may be appointed receiver.

5. Where the property is land paying revenue to the Government, or land of which the revenue has been assigned or redeemed, and the Court considers that the interests of those concerned will be promoted by the management of the Deputy Commissioner, the Court may, with the consent of the Deputy Commissioner, appoint him to be receiver of such property.

ORDER XLI.

Appeals from original decrees.

Form of appeal. What to accompany memorandum.

1. (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Court or to such officer as it appoints in this behalf. The memorandum shall be accompanied by a copy of the decree appealed from and (unless the Appellate Court dispenses therewith) of the judgment on which it is founded.

Contents of memorandum.

(2) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the decree appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

Grounds which may be taken in appeal.

2. The appellant shall not, except by leave of the Court, urge or be heard in support of any ground of objection not set forth in the memorandum of appeal; but the Appellate Court, in deciding the appeal, shall not be confined to the grounds of objection set forth in the memorandum of appeal or taken by leave of the Court under this rule:

Provided that the Court shall not rest its decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of contesting the case on that ground.

Rejection or amendment of memorandum.

3. (1) Where the memorandum of appeal is not drawn up in the manner hereinbefore prescribed, it may be rejected, or be returned to the appellant for the purpose of being amended within a time to be fixed by the Court or be amended then and there.

(2) Where the Court rejects any memorandum, it shall record the reasons for such rejection.

(3) Where a memorandum of appeal is amended, the Judge, or such officer as he appoints in this behalf, shall sign or initial the amendment.

One of several plaintiffs or defendants may obtain reversal of whole decree where it proceeds on ground common to all.

4. Where there are more plaintiffs or more defendants than one in a suit, and the decree appealed from proceeds on any ground common to all the plaintiffs or to all the defendants, any one of the plaintiffs or of the defendants may appeal from the whole decree, and thereupon the Appellate Court may reverse or vary the decree in favor of all the plaintiffs or defendants, as the case may be.

Stay of proceedings and of execution.

Stay by Appellate Court.

5. (1) An appeal shall not operate as a stay of proceedings under a decree or order appealed from except so far as the Appellate Court may order, nor shall execution of a decree be stayed by reason only of an appeal having been preferred from the decree; but the Appellate Court may for sufficient cause order stay of execution of such decree.

Stay by Court which passed the decree.

(2) Where an application is made for stay of execution of an appealable decree before the expiration of the time allowed for appealing therefrom, the Court which passed the decree may on sufficient cause being shown order the execution to be stayed.

(3) No order for stay of execution shall be made under sub-rule (1) or sub-rule (2) unless the Court making it is satisfied—

(*a*) that substantial loss may result to the party applying for stay of execution unless the order is made;

(*b*) that the application has been made without unreasonable delay; and

(*c*) that security has been given by the applicant for the due performance of such decree or order as may ultimately be binding upon him.

(4) Notwithstanding anything contained in sub-rule (3), the Court may make an *ex parte* order for stay of execution pending the hearing of the application.

Security in case of order for execution of decree appealed from.

6. (1) Where an order is made for the execution of a decree from which an appeal is pending, the Court which passed the decree shall, on sufficient cause being shown by the appellant, require security to be taken for the restitution of any property which may be or has been taken in execution of the decree or for the payment of the value of such property and for the due performance of the decree or order of the Appellate Court, or the Appellate Court may for like cause direct the Court which passed the decree to take such security.

(2) Where an order has been made for the sale of immovable property in execution of a decree, and an appeal is pending from such decree, the sale shall, on the application of the judgment-debtor to the Court which made the order, be stayed on such terms as to giving security or otherwise as the Court thinks fit until the appeal is disposed of.

7. No such security as is mentioned in rules 5 and 6 shall be required from the Government or, where the Government has undertaken the defence of the suit from any public officer sued in respect of an act alleged to be done by him in his official capacity. — No security to be required from the Government or a public officer in certain cases.

8. The powers conferred by rules 5 and 6 shall be exerciseable where an appeal may be or has been preferred not from the decree but from an order made in execution of such decree. — Exercise of powers in appeal from order made in execution of decree.

Procedure on admission of appeal.

9. (1) Where a memorandum of appeal is admitted, the Appellate Court or the proper officer of that Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose. — Registry of memorandum of appeal.

(2) Such book shall be called the Register of Appeals. — Register of Appeals.

10. (1) The Appellate Court may in its discretion, either before the respondent is called upon to appear and answer or afterwards on the application of the respondent, demand from the appellant security for the costs of the appeal, or of the original suit, or of both: — Appellate Court may require appellant to furnish security for costs.

Provided that the Court shall demand such security in all cases in which the appellant is residing out of Mysore and is not possessed of any sufficient immovable property within Mysore other than the property (if any) to which the appeal relates. — Where appellant resides out of Mysore.

(2) Where such security is not furnished within such time as the Court orders, the Court shall reject the appeal.

11. (1) The Appellate Court, after sending for the record if it thinks fit so to do, and after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, may dismiss the appeal without sending notice to the Court from whose decree the appeal is preferred and without serving notice on the respondent or his pleader. — Power to dismiss appeal without sending notice to lower Court.

(2) If on the day fixed or any other day to which the hearing may be adjourned the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

(3) The dismissal of an appeal under this rule shall be notified to the Court from whose decree the appeal is preferred.

12. (1) Unless the Appellate Court dismisses the appeal under rule 11, it shall fix a day for hearing the appeal. — Day for hearing appeal.

(2) Such day shall be fixed with reference to the current business of the Court, the place of residence of the respondent, and the time necessary for the service of the notice of appeal, so as to allow the respondent sufficient time to appear and answer the appeal on such day.

13. (1) Where the appeal is not dismissed under rule 11, the Appellate Court shall send notice of the appeal to the Court from whose decree the appeal is preferred. — Appellate Court to give notice to Court whose decree appealed from.

(2) Where the appeal is from the decree of a Court, the records of which are not deposited in the Appellate Court, the Court receiving such notice shall send, with all practicable despatch all material papers in the suit, or — Transmission of papers to Appellate Court.

Order XLI (Rules 14—19).

such papers as may be specially called for by the Appellate Court.

Copies of exhibits in Court whose decree appealed from.

(3) Either party may apply in writing to the Court from whose decree the appeal is preferred, specifying any of the papers in such Court of which he requires copies to be made; and copies of such papers shall be made at the expense of, and given to, the applicant.

Publication and service of notice of day for hearing appeal.

14. (1) Notice of the day fixed under rule 12 shall be affixed in the appellate Court-house and a like notice together with a copy of the memorandum of appeal to be furnished by the appellant at the time of filing the appeal shall be sent by the Appellate Court to the Court from whose decree the appeal is preferred, and shall be served on the respondent or on his pleader in the Appellate Court in the manner provided for the service on a defendant of a summons, to appear and answer; and all the provisions applicable to such summons, and to proceedings with reference to the service thereof, shall apply to the service of such notice.

Appellate Court may itself cause notice to be served.

(2) Instead of sending the notice to the Court from whose decree the appeal is preferred, the Appellate Court may itself cause the notice to be served on the respondent or his pleader under the provisions above referred to.

Contents of notice.

15. The notice to the respondent shall declare that, if he does not appear in the Appellate Court on the day so fixed, the appeal will be heard *ex parte*.

Procedure on hearing.

Right to begin.

16. (1) On the day fixed, or on any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal.

(2) The Court shall then, if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

Dismissal of appeal for appellant's default.

17. (1) Where on the day fixed, or on any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Court may make an order that the appeal be dismissed.

Hearing appeal *ex parte*.

(2) Where the appellant appears and the respondent does not appear, the appeal shall be heard *ex parte*.

Dismissal of appeal where notice not served in consequence of appellant's failure to deposit costs.

18. Where on the day fixed, or on any other day to which the hearing may be adjourned, it is found that the notice to the respondent has not been served in consequence of the failure of the appellant to deposit, within the period fixed, the sum required to defray the cost of serving the notice, the Court may make an order that the appeal be dismissed:

Provided that no such order shall be made although the notice has not been served upon the respondent, if on any such day the respondent appears when the appeal is called on for hearing.

Re-admission of appeal dismissed for default.

19. Where an appeal is dismissed under rule 11, sub-rule (2), or rule 17 or rule 18, the appellant may apply to the Appellate Court for the re-admission of the appeal; and, where it is proved that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing or from depositing the sum so required, the Court shall re-admit the appeal on such terms as to costs or otherwise as it thinks fit.

Power to adjourn hearing and direct persons appearing interested to be made respondents.

20. Where it appears to the Court at the hearing that any person who was a party to the suit in the Court from whose decree the appeal is preferred, but who has not been made a party to the appeal, is interested in the result of the appeal, the Court may adjourn the hearing to a future day to be fixed by the Court and direct that such person be made a respondent.

Re-hearing on application of respondent against whom *ex parte* decree made.

21. When an appeal is heard *ex parte* and judgment is pronounced against the respondent, he may apply to the Appellate Court to re-hear the appeal; and, if he satisfies the Court that the notice was not duly served or that he was prevented by sufficient cause from appearing when the appeal was called on for hearing, the Court shall re-hear the appeal on such terms as to costs or otherwise as it thinks fit to impose upon him.

Upon hearing, respondent may object to decree as if he had preferred separate appeal.

22. (1) Any respondent, though he may not have appealed from any part of the decree, may not only support the decree on any of the grounds decided against him in the Court below, but take any cross-objection to the decree which he could have taken by way of appeal, provided he has filed such objection in the Appellate Court within one month from the date of service on him or his pleader of notice of the day fixed for hearing the appeal, or within such further time as the Appellate Court may see fit to allow.

Form of objection and provisions applicable thereto.

(2) Such cross-objection shall be in the form of a memorandum, and the provisions of rule 1, so far as they relate to the form and contents of the memorandum of appeal, shall apply thereto.

(3) Unless the respondent files with the objection a written acknowledgment from the party who may be affected by such objection or his pleader of having received a copy thereof, the Appellate Court shall cause a copy to be served, as soon as may be after the filing of the objection, on such party or his pleader at the expense of the respondent.

(4) Where, in any case in which any respondent has under this rule filed a memorandum of objection, the original appeal is withdrawn or is dismissed for default, the objection so filed may nevertheless be heard and determined after such notice to the other parties as the Court thinks fit.

(5) The provisions relating to pauper appeals shall, so far as they can be made applicable, apply to an objection under this rule.

Remand of case by appellate Court.

23. Where the Court from whose decree an appeal is preferred has disposed of the suit upon a preliminary point and the decree is reversed in appeal, the Appellate Court may, if it thinks fit, by order remand the case, and may further direct what issue or issues shall be tried in the case so remanded, and shall send a copy of its judgment and order to the Court from whose decree the appeal is preferred, with directions to re-admit the suit under its original number in the register of civil suits, and proceed to determine the suit; and the evidence (if any) recorded during the original trial shall, subject to all just exceptions, be evidence during the trial after remand.

Where evidence on record sufficient, Appellate Court may determine case finally.

24. Where the evidence upon the record is sufficient to enable the Appellate Court to pronounce judgment, the Appellate Court may, after re-settling the issues,

if necessary, finally determine the suit, notwithstanding that the judgment of the Court from whose decree the appeal is preferred has proceeded wholly upon some ground other than that on which the Appellate Court proceeds.

Where Appellate Court may frame issues and refer them for trial to Court whose decree appealed from.

25. Where the Court from whose decree the appeal is preferred has omitted to frame or try any issue, or to determine any question of fact, which appears to the Appellate Court essential to the right decision of the suit upon the merits, the Appellate Court may, if necessary, frame issues, and refer the same for trial to the Court from whose decree the appeal is preferred, and in such case shall direct such Court to take the additional evidence required;

and such Court shall proceed to try such issues, and shall return the evidence to the Appellate Court together with its findings thereon and the reasons therefor.

Findings and evidence to be put on record. Objections to finding.

26. (1) Such evidence and findings shall form part of the record in the suit; and either party may, within a time to be fixed by the Appellate Court, present a memorandum of objections to any finding.

Determination of appeal.

(2) After the expiration of the period so fixed for presenting such memorandum the Appellate Court shall proceed to determine the appeal.

Production of additional evidence in Appellate Court.

27. (1) The parties to an appeal shall not be entitled to produce additional evidence, whether oral or documentary, in the Appellate Court. But if—

(*a*) the Court from whose decree the appeal is preferred has refused to admit evidence which ought to have been admitted, or

(*b*) the Appellate Court requires any document to be produced or any witness to be examined to enable it to pronounce judgment, or for any other substantial cause, the Appellate Court may allow such evidence or document to be produced, or witness to be examined.

(2) Wherever additional evidence is allowed to be produced by an Appellate Court, the Court shall record the reason for its admission.

Mode of taking additional evidence.

28. Wherever additional evidence is allowed to be produced, the Appellate Court may either take such evidence, or direct the Court from whose decree the appeal is preferred, or any other subordinate Court, to take such evidence and to send it when taken to the Appellate Court.

Points to be defined and recorded.

29. Where additional evidence is directed or allowed to be taken, the Appellate Court shall specify the points to which the evidence is to be confined, and record on its proceedings the points so specified.

Judgment in appeal.

Judgment when and where pronounced.

30. The Appellate Court, after hearing the parties or their pleaders and referring to any part of the proceedings, whether on appeal or in the Court from whose decree the appeal is preferred, to which reference may be considered necessary, shall pronounce judgment in open Court, either at once or on some future day, of which notice shall be given to the parties or their pleaders.

Order XLI (Rules 31—36).

Contents, date and signature of judgment.

31. The judgment of the Appellate Court shall be in writing and shall state—

(*a*) the points for determination;

(*b*) the decision thereon;

(*c*) the reasons for the decision; and

(*d*) where the decree appealed from is reversed or varied, the relief to which the appellant is entitled;

and shall at the time that it is pronounced be signed and dated by the Judge or by the Judges concurring therein.

What judgment may direct.

32. The judgment may be for confirming, varying or reversing the decree from which the appeal is preferred, or, if the parties to the appeal agree as to the form which the decree in appeal shall take, or as to the order to be made in appeal, the Appellate Court may pass a decree or make an order accordingly.

Power of Court of Appeal.

33. The Appellate Court shall have power to pass any decree and make any order which ought to have been passed or made and to pass or make such further or other decree or order as the case may require, and this power may be exercised by the Court notwithstanding that the appeal is as to part only of the decree and may be exercised in favor of all or any of the respondents or parties, although such respondents or parties may not have filed any appeal or objection.

Illustration.

A claims a sum of money as due to him from X or Y, and in a suit against both obtains a decree against X. X appeals and A and Y are respondents. The Appellate Court decides in favour of X. It has power to pass a decree against Y.

Dissent to be recorded.

34. Where the appeal is heard by more Judges than one, any Judge dissenting from the judgment of the Court shall state in writing the decision or order which he thinks should be passed on the appeal, and he may state his reasons for the same.

Decree in appeal.

Date and contents of decree.

35. (1) The decree of the Appellate Court shall bear date the day on which the judgment was pronounced.

(2) The decree shall contain the number of the appeal, the names and descriptions of the appellant and respondent, and a clear specification of the relief granted or other adjudication made.

(3) The decree shall also state the amount of costs incurred in the appeal, and by whom, or out of what property, and in what proportions such costs and the costs in the suit are to be paid.

(4) The decree shall be signed and dated by the Judge or Judges who passed it.

Judge dissenting from judgment need not sign decree.

Provided that where there are more Judges than one and there is a difference of opinion among them, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree.

Copies of judgment and decree to be furnished to parties.

36. Certified copies of the judgment and decree in appeal shall be furnished to the parties on application to the Appellate Court and at their expense.

Order XLI (Rule 37), Order XLII (Rule 1) and Order XLIII (Rule 1).

Certified copy of decree to be sent to Court whose decree appealed from.

37. A copy of the judgment and of the decree, certified by the Appellate Court or such officer as it appoints in this behalf, shall be sent to the Court which passed the decree appealed from and shall be filed with the original proceedings in the suit, and an entry of the judgment of the Appellate Court shall be made in the register of civil suits.

ORDER XLII.

Appeals from appellate decrees.

Procedure.

1. The rules of Order XLI shall apply, so far as may be, to appeals from appellate decrees.

ORDER XLIII.

Appeals from orders.

Appeals from orders.

1. An appeal shall lie from the following orders under the provisions of section 104, namely :—

(*a*) an order under rule 10 of Order VII returning a plaint to be presented to the proper Court ;

(*b*) an order under rule 10 of Order VIII pronouncing judgment against a party ;

(*c*) an order under rule 9 of Order IX rejecting an application (in a case open to appeal) for an order to set aside the dismissal of a suit ;

(*d*) an order under rule 13 of Order IX rejecting an application (in a case open to appeal) for an order to set aside a decree passed *ex parte* ;

(*e*) an order under rule 4 of Order X pronouncing judgment against a party ;

(*f*) an order under rule 21 of Order XI ;

(*g*) an order under rule 10 of Order XVI for the attachment of property ;

(*h*) an order under rule 20 of Order XVI pronouncing judgment against a party ;

(*i*) an order under rule 34 of Order XXI on an objection to the draft of a document or of an endorsement ;

(*j*) an order under rule 72 or rule 92 of Order XXI setting aside or refusing to set aside a sale ;

(*k*) an order under rule 9 of Order XXII refusing to set aside the abatement or dismissal of a suit ;

(*l*) an order under rule 10 of Order XXII giving or refusing to give leave ;

(*m*) an order under rule 3 of Order XXIII recording or refusing to record an agreement, compromise or satisfaction ;

(*n*) an order under rule 2 of Order XXV rejecting an application (in a case open to appeal) for an order to set aside the dismissal of a suit ;

(*o*) an order under rule 3 or rule 8 of Order XXXIV refusing to extend the time for the payment of mortgage-money ;

(*p*) orders in interpleader-suits under rule 3, rule 4 or rule 6 of Order XXXV;

(*q*) an order under rule 2, rule 3 or rule 6 of Order XXXVIII;

(*r*) an order under rule 1, rule 2, rule 4 or rule 10 of Order XXXIX;

(*s*) an order under rule 1 or rule 4 of Order XL;

(*t*) an order of refusal under rule 19 of Order XLI to re-admit, or under rule 21 of Order XLI to re-hear an appeal;

(*u*) an order under rule 23 of Order XLI remanding a case, where an appeal would lie from the decree of the Appellate Court;

(*v*) an order under rule 4 of Order XLVII granting an application for review.

2. The rules of Order XLI shall apply, so far as may be, to appeals from orders. Procedure.

ORDER XLIV.

Pauper appeals.

1. Any person entitled to prefer an appeal, who is unable to pay the fee required for the memorandum of appeal, may present an application accompanied by a memorandum of appeal, and may be allowed to appeal as a pauper, subject, in all matters including the presentation of such application, to the provisions relating to suits by paupers, in so far as those provisions are applicable: Who may appeal as pauper

Provided that the Court shall reject the application unless, upon a perusal thereof and of the judgment and decree appealed from, it sees reason to think that the decree is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust. Procedure on application for admission of appeal.

2. The inquiry into the pauperism of the applicant may be made either by the Appellate Court or under the orders of the Appellate Court by the Court from whose decision the appeal is preferred: Inquiry into pauperism.

Provided that, if the applicant was allowed to sue or appeal as a pauper in the Court from whose decree the appeal is preferred, no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court sees cause to direct such inquiry.

ORDER XLVI.

Reference.

1. Where, before or on the hearing of a suit or an appeal in which the decree is not subject to appeal, or where, in the execution of any such decree, any question of law or usage having the force of law arises, on which the Court trying the suit or appeal, or executing the decree, entertains reasonable doubt, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer such statement with its own opinion on the point for the decision of the Chief Court. Reference of question to Chief Court.

Court may pass decree contingent upon decision of Chief Court.

2. The Court may either stay the proceedings or proceed in the case notwithstanding such reference, and may pass a decree or make an order contingent upon the decision of the Chief Court on the point referred;

but no decree or order shall be executed in any case in which such reference is made until the receipt of a copy of the judgment of the Chief Court upon the reference.

Judgment of Chief Court to be transmitted, and case disposed of accordingly.

3. The Chief Court, after hearing the parties if they appear and desire to be heard, shall decide the point so referred, and shall transmit a copy of its judgment, under the signature of the Registrar, to the Court by which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case in conformity with the decision of the Chief Court.

Costs of reference to Chief Court.

4. The costs (if any) consequent on a reference for the decision of the Chief Court shall be costs in the case.

Power to alter, etc., decree of Court making reference.

5. Where a case is referred to the Chief Court under rule 1, the Chief Court may return the case for amendment, and may alter, cancel or set aside any decree or order which the Court making the reference has passed or made in the case out of which the reference arose, and make such order as it thinks fit.

Power to refer to Chief Court questions as to jurisdiction in Small Causes.

6. (1) Where at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the Chief Court with a statement of its reasons for the doubt as to the nature of the suit.

(2) On receiving the record and statement, the Chief Court may order the Court either to proceed with the suit or to return the plaint for presentation to such other Court as it may in its order declare to be competent to take cognisance of the suit.

Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in Small Causes.

7. (1) Where it appears to a District Court that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and if required by a party shall, submit the record to the Chief Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

(2) On receiving the record and statement the Chief Court may make such order in the case as it thinks fit.

(3) With respect to any proceedings subsequent to decree in any case submitted to the Chief Court under this rule, the Chief Court may make such order as in the circumstance appears to it to be just and proper.

(4) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this rule.

ORDER XLVII.

Review.

Application for review of judgment.

1. (1) Any person considering himself aggrieved—

(*a*) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred

(*b*) by a decree or order from which no appeal is allowed, or

(*c*) by a decision on a reference from a Court of Small Causes,

and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

To whom applications for review may be made.

2. An application for review of a decree or order of a Court, not being the Chief Court, upon some ground other than the discovery of such new and important matter or evidence as is referred to in rule 1 or the existence of a clerical or arithmetical mistake or error apparent on the face of the decree, shall be made only to the Judge who passed the decree or made the order sought to be reviewed; but any such application may, if the Judge who passed the decree or made the order has ordered notice to issue under rule 4, sub-rule (2), proviso (*a*), be disposed of by his successor.

Form of applications for review.

3. The provisions as to the form of preferring appeals shall apply, *mutatis mutandis*, to applications for review.

Application where rejected.

4. (1) Where it appears to the Court that there is not sufficient ground for a review, it shall reject the application.

Application where granted.

(2) Where the Court is of opinion that the application for review should be granted, it shall grant the same:

Provided that—

(*a*) no such application shall be granted without previous notice to the opposite party, to enable him to appear and be heard in support of the decree or order, a review of which is applied for: and

(*b*) no such application shall be granted on the ground of discovery of new matter or evidence which the applicant alleges was not within his knowledge, or could not be adduced by him when the decree or order was passed or made, without strict proof of such allegation.

Application for review in Court consisting of two or more Judges.

5. Where the Judge or Judges, or any one of the Judges, who passed the decree or made the order, a review of which is applied for, continues or continue attached to the Court at the time when the application for a review is presented, and is not or are not precluded by absence or other cause for a period of six months next after the appli-

cation from considering the decree or order to which the application refers, such Judge or Judges or any of them shall hear the application, and no other Judge or Judges of the Court shall hear the same.

Application where rejected.

6. (1) Where the application for a review is heard by more than one Judge and the Court is equally divided, the application shall be rejected.

(2) Where there is a majority, the decision shall be according to the opinion of the majority.

Order of rejection not appealable. Objections to order granting application.

7. (1) An order of the Court rejecting the application shall not be appealable; but an order granting an application may be objected to on the ground that the application was—

(*a*) in contravention of the provisions of rule 2,

(*b*) in contravention of the provisions of rule 4, or

(*c*) after the expiration of the period of limitation prescribed therefor and without sufficient cause.

Such objection may be taken at once by an appeal from the order granting the application or in any appeal from the final decree or order passed or made in the suit.

(2) Where the application has been rejected in consequence of the failure of the applicant to appear, he may apply for an order to have the rejected application restored to the file, and, where it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from appearing when such application was called on for hearing, the Court shall order it to be restored to the file upon such terms as to costs or otherwise as it thinks fit, and shall appoint a day for hearing the same.

(3) No order shall be made under sub-rule (2) unless notice of the application has been served on the opposite party.

Registry of application granted, and order for re-hearing.

8. When an application for review is granted, a note thereof shall be made in the register and the Court may at once re-hear the case or make such order in regard to the re-hearing as it thinks fit.

Bar of certain applications.

9. No application to review an order made on an application for a review or a decree or order passed or made on a review shall be entertained.

ORDER XLVIII.

Miscellaneous.

Process to be served at expense of party issuing.

1. (1) Every process issued under this Code shall be served at the expense of the party on whose behalf it is issued, unless the Court otherwise directs.

Costs of service.

(2) The Court-fee chargeable for such service shall be paid within a time to be fixed before the process is issued.

Orders and notices how served.

2. All orders, notices and other documents required by this Code to be given to or served on any person shall be served in the manner provided for the service of summons.

Use of forms in appendices.

3. The forms given in the appendices, with such variation as the circumstances of each case may require, shall be used for the purposes therein mentioned.

Order L (Rule 1).

ORDER L.

Small Cause Courts.

Small Cause Courts.

1. The provisions hereinafter specified shall not extend to Courts of Small Causes constituted under any law for the time being in force in Mysore or to Courts exercising the jurisdiction of a Court of Small Causes, that is to say—

(*a*) so much of this schedule as relates to—

(*i*) suits excepted from the cognizance of a Court of Small Causes or the execution of decrees in such suits;

(*ii*) the execution of decrees against immovable property or the interest of a partner in partnership property;

(*iii*) the settlement of issues; and

(*b*) the following rules and orders,—Order II, r. 1 (frame of suit);

Order X, r. 3 (record of examination of parties);

Order XV, except so much of rule 4 as provides for the pronouncement at once of judgment;

Order XVIII, rules 5 to 12 (evidence);

Orders XLI to XLIV (appeals);

Order XLVII, rules 2, 3, 5, 6, 7 (review).

Appendix A (1), (2) and (3).

APPENDIX A.

PLEADINGS.

(1) Titles of Suits.

IN THE COURT OF

A. B. (*add description and residence*).....*Plaintiff,*

against

C. D. (*add description and residence*).....*Defendant.*

(2) Description of Parties in particular Cases.

The Government of Mysore.

The Deputy Commissioner or such other officer as may be appointed by Government.

The Deputy Commissioner.

The State of

The A. B. Company, Limited, having its registered office at

A. B., a public officer of the C. D. Company.

A. B. (*add description and residence*), on behalf of himself and all other creditors of C. D., late of (*add description and residence*).

A. B. (*add description and residence*), on behalf of himself and all other holders of debentures issued by the Company, Limited.

The Official Receiver.

A. B., a minor (*add description and residence*), by C. D. his next friend.

A. B. (*add description and residence*), a person of unsound mind [*or* of weak mind], by C. D. his next friend.

A. B., a firm carrying on business in partnership at

A. B. (*add description and residence*), by his constituted attorney C. D. (*add description and residence*).

A. B. (*add description and residence*), Shebait of Thakur.

A. B. (*add description and residence*), executor of C. D., deceased.

A. B. (*add description and residence*), *heir of* C. D., deceased.

(3) Plaints.

NO. 1.

MONEY LENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , he lent the defendant rupees repayable on the day of

Appendix A (3) Nos. 2—5.

2. The defendant has not paid the same, except rupees paid on the day of 19 .

[*If the plaintiff claims exemption from any law of limitation, say* :—]

3. The plaintiff was a minor [*or* insane] from the day of till the day of

4. [*Facts showing when the cause of action arose and that the Court has jurisdiction*].

5. The value of the subject-matter of the suit for the purpose of jurisdiction is rupees and for the purpose of Court-fees is rupees.

6. The plaintiff claims rupees, with interest at per cent. From the day of 19 .

No. 2.

MONEY OVERPAID.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff agreed to buy and the defendant agreed to sell bars of silver at annas per tola of fine silver.

2. The plaintiff procured the said bars to be assayed by *E. F.*, who was paid by the defendant for such assay, and *E. F.* declared each of the bars to contain 1,500 tolas of fine silver, and the plaintiff accordingly paid the defendant rupees.

3. Each of the said bars contained only 1,200 tolas of fine silver, of which fact the plaintiff was ignorant when he made the payment.

4. The defendant has not repaid the sum so overpaid.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 3.

GOODS SOLD AT A FIXED PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , *E. F.* sold and delivered to the defendant [one hundred barrels of flour, *or* the goods mentioned in the schedule hereto annexed, *or* sundry goods.]

2. The defendant promised to pay rupees for the said goods on delivery [*or* on the day of , *some day before the plaint was filed*].

3. He has not paid the same.

4. *E. F.* died on the day of 19 . By his last will he appointed his brother, the plaintiff, his executor.

[*As in paras 4 and 5 of Form No. 1.*

7. The plaintiff as executor of *E. F. claims* [*Relief claimed.*]

No. 4.

GOODS SOLD AT A REASONABLE PRICE AND DELIVERED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , plaintiff sold and delivered to the defendant [sundry articles of house-furniture], but no express agreement was made as to the price.

2. The goods were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 5.

GOODS MADE AT DEFENDANT'S REQUEST, AND NOT ACCEPTED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , *E. F.* agreed with the plaintiff that the plaintiff should make for him [*six tables and fifty chairs*], and that *E. F.* should pay for the goods on delivery rupees.

2. The plaintiff made the goods, and on the day of 19 , offered to deliver them to *E. F.*, and has ever since been ready and willing so to do.

3. *E. F.* has not accepted the goods or paid for them.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

Appendix A (3) Nos. 6—10.

No. 6.

DEFICIENCY UPON A RESALE [GOODS SOLD AT AUCTION.]

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff put up at auction sundry [*goods*], subject to the condition that all goods not paid for and removed by the purchaser within [*ten days*] after the sale should be resold by auction on his account, of which condition the defendant had notice.

2. The defendant purchased [*one crate of crockery*] at the auction at the price of rupees.

3. The plaintiff was ready and willing to deliver the goods to the defendant on the date of the sale and for [*ten days*] after.

4. The defendant did not take away the goods purchased by him, nor pay for them within [*ten days*] after the sale, nor afterwards.

5. On the day of 19 , the plaintiff re-sold the [*crate of crockery*], on account of the defendant, by public auction, for rupees.

6. The expenses attendant upon such re-sale amounted to rupees.

7. The defendant has not paid the deficiency thus arising, amounting to rupees.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 7.

SERVICES AT A REASONABLE RATE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. Between the day of 19 , and the day of 19 , at , plaintiff [executed sundry drawings, designs and diagrams] for the defendant, at his request; but no express agreement was made as to the sum to be paid for such services.

2. The services were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras 4 and 5 of Form No. 1; and Relief claimed.*]

No. 8.

SERVICES AND MATERIALS AT A REASONABLE COST.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , at , the plaintiff built a house [known as No. , in], and furnished the materials therefor, for the defendant, at his request, but no express agreement was made as to the amount to be paid for such work and materials.

2. The work done and materials supplied were reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 9.

USE AND OCCUPATION.

(*Title.*)

A. B., the above-named plaintiff, executor of the will of *X. Y.*, deceased, states as follows:—

1. That the defendant occupied the [house No. , Street], by permission of the said *X. Y.*, from the day of 19 , until the day of 19 , and no agreement was made as to payment for the use of the said premises.

2. That the use of the said premises for the said period was reasonably worth rupees.

3. The defendant has not paid the money.

[*As in paras 4 and 5 of Form No. 1.*]

6. The plaintiff as executor of *X. Y.* claims [*Relief claimed.*]

No. 10.

ON AN AWARD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant, having a difference between them concerning [a demand of the plaintiff

for the price of ten barrels of oil which the defendant refused to pay], agreed in writing to submit the difference to the arbitration of *E. F.* and *G. H.*, and the original document is annexed hereto.

2. On the day of 19 , the arbitrators awarded that the defendant should [pay the plaintiff rupees.]

3. The defendant has not paid the money.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 11.

ON A FOREIGN JUDGMENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , at in the State [*or* Kingdom], of the Court of that State [*or* Kingdom], in a suit therein pending between the plaintiff and the defendant, duly adjudged that the defendant should pay to the plaintiff rupees, with interest from the said date.

2. The defendant has not paid the money.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 12.

AGAINST SURETY FOR PAYMENT OF RENT.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , *E. F.* hired from the plaintiff for the term of years, the [house No. Street], at the annual rent of rupees, payable [monthly].

2. The defendant agreed, in consideration of the letting of the premises to *E.* to guarantee the punctual payment of the rent.

3. The rent for the month of 19 , amounting to rupees, has not been paid.

[*If, by the terms of the agreement, notice is required to be given to the surety, add:—*]

4. On the day of 19 , the plaintiff gave notice to the defendant of the non-payment of the rent, and demanded payment thereof.

5. The defendant has not paid the same.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 13.

BREACH OF AGREEMENT TO PURCHASE LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, and the original document is hereto annexed.

[*Or*, on the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should sell to the defendant and that the defendant should purchase from the plaintiff forty bighas of land in the village of for rupees.]

2. On the day of 19 , the plaintiff, being then the absolute owner of the property [and the same being free from all incumbrances as was made to appear to the defendant], tendered to the defendant a sufficient instrument of transfer of the same [*or*, was ready and willing, and is still ready and willing, and offered, to transfer the same to the defendant by a sufficient instrument] on the payment by the defendant of the sum agreed upon.

3. The defendant has not paid the money

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 14.

NOT DELIVERING GOODS SOLD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the defendant should deliver [one hundred barrels of flour] to the plaintiff on the day of 19], and that the plaintiff should pay therefor rupees on delivery.

2. On the [said] day the plaintiff was ready and willing, and offered, to pay the defendant the said sum upon delivery of the goods.

3. The defendant has not delivered the goods, and the plaintiff has been deprived of the profits which would have accrued to him from such delivery.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 15.

WRONGFUL DISMISSAL.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should serve the defendant as [an accountant, *or* in the capacity of foreman, *or as the case may be*], and that the defendant should employ the plaintiff as such for the term of [one year] and pay him for his services rupees (monthly).

2. On the day of 19 , the plaintiff entered upon the service of the defendant and has ever since been, and still is, ready and willing to continue in such service during the remainder of the said year whereof the defendant always has had notice.

3. On the day of 19 , the defendant wrongfully discharged the plaintiff, and refused to permit him to serve as aforesaid, or to pay him for his services.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 16.

BREACH OF CONTRACT TO SERVE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant mutually agreed that the plaintiff should employ the defendant at an [annual] salary of rupees, and that the defendant should serve the plaintiff as [an artist] for the term of [one year].

2. The plaintiff has always been ready and willing to perform his part of the agreement [and on the day of 19 , offered so to do].

3. The defendant [entered upon] the service of the plaintiff on the above-mentioned day, but afterwards, on the day of 19 , he refused to serve the plaintiff as aforesaid.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 17.

AGAINST A BUILDER FOR DEFECTIVE WORKMANSHIP.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, and the original document is hereto annexed. [*Or state the tenor of the contract.*]

[2. The plaintiff duly performed all the conditions of the agreement on his part.]

3. The defendant [built the house referred to in the agreement in a bad and unworkmanlike manner].

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 18.

ON A BOND FOR THE FIDELITY OF A CLERK.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the plaintiff took *E. F.* into his employment as a clerk.

2. In consideration thereof on the day of 19 , the defendant agreed with the plaintiff that if *E. F.* should not faithfully perform his duties as a clerk to the plaintiff, or should fail to account to the plaintiff for all moneys, evidences of debt or other property received by him for the use of the plaintiff, the defendant would pay to the plaintiff whatever loss he might sustain by reason thereof, not exceeding rupees.

[*Or*, 2. In consideration thereof, the defendant by his bond of the same date bound himself to pay the plaintiff the penal sum of rupees, subject to the condition that if *E. F.* should faithfully perform his duties as clerk and cashier to the plaintiff, and should justly account to the plaintiff for all moneys, evidences

Appendix A (3) Nos. 19—22.

of debt or other property which should be at any time held by him in trust for the plaintiff, the bond should be void.]

[*Or*, 2. In consideration thereof, on the same date the defendant executed a bond in favour of the plaintiff, and the original document is hereto annexed.]

3. Between the day of 19 and the day of 19 *E. F.* received money and other property, amounting to the value of rupees, for the use of the plaintiff, for which sum he has not accounted to him, and the same still remains due and unpaid.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 19.

BY TENANT AGAINST LANDLORD, WITH SPECIAL DAMAGE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, by a registered instrument, let to the plaintiff [the house No. , Street] for the term of years, contracting with the plaintiff, that he, the plaintiff, and his legal representatives should quietly enjoy possession thereof for the said term.

2. All conditions were fulfilled and all things happened necessary to entitle the plaintiff to maintain his suit.

3. On the day of during the said term, *E. F.*, who was the lawful owner of the said house, lawfully evicted the plaintiff therefrom, and still withholds the possession thereof from him.

4. The plaintiff was thereby [prevented from continuing the business of a tailor at the said place, was compelled to expend rupees in moving, and lost the custom of *G. H.* and *I. J.* by such removal].

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 20.

ON AN AGREEMENT OF INDEMNITY.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant, being partners in trade under the style of *A. B.* and *C. D.*, dissolved the partnership, and mutually agreed that the defendant should take and keep all the partnership property, pay all debts of the firm and indemnify the plaintiff against all claims that might be made upon him on account of any indebtedness of the firm.

2. The plaintiff duly performed all the conditions of the agreement on his part.

3. On the day of 19 , [a judgment was recovered against the plaintiff and defendant by *E. F.*, in the Chief Court at , upon a debt due from the firm to *E. F.*, and on the day of 19], the plaintiff paid rupees [in satisfaction of the same].

4. The defendant has not paid the same to the plaintiff.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 21.

PROCURING PROPERTY BY FRAUD.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he, the defendant, was solvent, and worth rupees over all his liabilities].

2. The plaintiff was thereby induced to sell [and deliver] to the defendant, [dry goods] of the value of rupees.

3. The said representations were false [*or, state the particular falsehoods*] and were then known by the defendant to be so.

4. The defendant has not paid for the goods. [*Or, if the goods were not delivered.*] The plaintiff, in preparing and shipping the goods and procuring their restoration, expended rupees.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 22.

FRAUDULENTLY PROCURING CREDIT TO BE GIVEN TO ANOTHER PERSON.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant represented to the plaintiff that *E. F.* was solvent and in good credit, and worth rupees over all his liabilities [*or*, that *E. F.* then held a responsible

situation and was in good circumstances, and might safely be trusted with goods on credit].

2. The plaintiff was thereby induced to sell to *E. F.* [rice] of the value of rupees [on months' credit].

3. The said representations were false and were then known by the defendant to be so, and were made by him with intent to deceive and defraud the plaintiff [*or*, to deceive and injure the plaintiff].

4. *E. F.* [did not pay for the said goods at the expiration of the credit aforesaid *or*] [has not paid for the said rice, and the plaintiff has wholly lost the same].

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 23.

POLLUTING THE WATER UNDER THE PLAINTIFF'S LAND.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is, and at all the times hereinafter mentioned was, possessed of certain land called and situate in , and of a well therein, and of water in the well, and was entitled to the use and benefit of the well and of the water therein, and to have certain springs and streams of water which flowed and ran into the well to supply the same to flow or run without being fouled or polluted.

2. On the day of 19 , the defendant wrongfully fouled and polluted the well and the water therein and the springs and streams of water which flowed into the well.

3. In consequence the water in the well became impure and unfit for domestic and other necessary purposes, and the plaintiff and his family are deprived of the use and benefit of the well and water.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 24.

CARRYING ON A NOXIOUS MANUFACTURE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is, and at all the times hereinafter mentioned was, possessed of certain lands called , situate in

2. Ever since the day of 19 , the defendant has wrongfully caused to issue from certain smelting works carried on by the defendant large quantities of offensive and unwholesome smoke and other vapours and noxious matter, which spread themselves over and upon the said lands, and corrupted the air, and settled on the surface of the lands.

3. Thereby the trees, hedges, herbage and crops of the plaintiff growing on the lands were damaged and deteriorated in value, and the cattle and live-stock of the plaintiff on the lands became unhealthy, and many of them were poisoned and died.

4. The plaintiff was unable to graze the lands with cattle and sheep as he otherwise might have done and was obliged to remove his cattle, sheep and farming-stock therefrom, and has been prevented from having so beneficial and healthy a use and occupation of the lands as he otherwise would have had.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 25.

OBSTRUCTING A RIGHT OF WAY.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is, and at the time hereinafter mentioned was, possessed of [a house in the village of].

2. He was entitled to a right of way from the [house] over a certain field to a public highway and back again from the highway over the field to the house, for himself and his servants [with vehicles, *or* on foot] at all times of the year.

3. On the day of 19 , defendant wrongfully obstructed the said way, so that the plaintiff could not pass [with vehicles, *or* on foot, *or* in any manner] along the way [and has ever since wrongfully obstructed the same].

4. (*State special damage, if any.*)

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 26.

OBSTRUCTING A HIGHWAY.

(*Title.*)

1. The defendant wrongfully dug a trench and heaped up earth and stones in the public highway leading from to so as to obstruct it.

2. Thereby the plaintiff, while lawfully passing along the said highway, fell over the said earth and stones [*or* into the said trench] and broke his arm, and suffered great pain, and was prevented from attending to his business for a long time, and incurred expense for medical attendance.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 27.

DIVERTING A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is, and at the time hereinafter mentioned was, possessed of a mill situated on a [stream] known as the , in the village of , district of .

2. By reason of such possession the plaintiff was entitled to the flow of the stream for working the mill.

3. On the day of 19 , the defendant, by cutting the bank of the stream, wrongfully diverted the water thereof, so that less water ran into the plaintiff's mill.

4. By reason thereof the plaintiff has been unable to grind more than sacks per day, whereas, before the said diversion of water, he was able to grind sacks per day.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 28.

OBSTRUCTING A RIGHT TO USE WATER FOR IRRIGATION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. Plaintiff is, and was at the time hereinafter mentioned, possessed of certain lands situate, etc., and entitled to take and use a portion of the water of certain stream for irrigating the said lands.

2. On the day of 19 , the defendant prevented the plaintiff from taking and using the said portion of the said water as aforesaid, by wrongfully obstructing and diverting the said stream.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 29.

INJURIES CAUSED BY NEGLIGENCE ON A RAILROAD.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendants were common carriers of passengers by Railway between and .

2. On that day the plaintiff was a passenger in one of the carriages of the defendants on the said railway.

3. While he was such passenger, at [*or* near the station of *or* between the stations of and], a collision occurred on the said railway, caused by the negligence and unskilfulness of the defendants' servants, whereby the plaintiff was much injured [having his leg broken, his head cut, etc., *and state the special damage, if any, as*], and incurred expense for medical attendance, and is permanently disabled from carrying on his former business as [a salesman].

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

[*Or thus*:—2. On that day the defendants by their servants so negligently and unskilfully drove and managed an engine and a train of carriages attached thereto upon and along the defendants' railway which the plaintiff was then lawfully crossing, that the said engine and train were driven and struck against the plaintiff, whereby, etc., *as in para. 3*].

No. 30.

INJURIES CAUSED BY NEGLIGENT DRIVING.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is a shoemaker, carrying on business at . The defendant is a merchant of .

2. On the day of 19 , the plaintiff was walking southward along Chowringhee in the City of Calcutta, at about 3 o'clock in the afternoon. He was obliged to cross Middleton Street, which is a street running into Chowringhee at right angles. While he was crossing this street and just before he could reach

the foot-pavement on the further side thereof, a carriage of the defendant's, drawn by two horses under the charge and control of the defendant's servants, was negligently, suddenly and without any warning, turned at a rapid and dangerous pace out of Middleton Street into Chowringhee. The pole of the carriage struck the plaintiff and knocked him down, and he was much trampled by the horses.

3. By the blow and fall and trampling the plaintiff's left arm was broken and he was bruised and injured on the side and back, as well as internally, and in consequence thereof the plaintiff was for four months ill and in suffering, and unable to attend to his business, and incurred heavy medical and other expenses, and sustained great loss of business and profits.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 31.

FOR MALICIOUS PROSECUTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant obtained a warrant of arrest from
[a Magistrate of the said city, *or as the case may be*] on a charge of
, and the plaintiff was arrested thereon, and imprisoned for
[days *or* hours, and gave bail in the sum of
rupees to obtain his release].

2. In so doing the defendant acted maliciously and without reasonable or probable cause.

3. On the day of 19 , the Magistrate dismissed the complaint of the defendant and acquitted the plaintiff.

4. Many persons, whose names are unknown to the plaintiff hearing of the arrest, and supposing the plaintiff to be a criminal, have ceased to do business with him; *or*, in consequence of the said arrest, the plaintiff lost his situation as clerk to one *E. F.*; *or* in consequence the plaintiff suffered pain of body and mind, and was prevented from transacting his business, and was injured in his credit and incurred expense in obtaining his release from the said imprisonment and in defending himself against the said complaint.

[*As in paras 4 and 5 of Form No. 1, and Relief claimed.*]

No. 32.

MOVABLES WRONGFULLY DETAINED.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , plaintiff owned [*or state facts showing a right to the possession*] the goods mentioned in the schedule hereto annexed [*or describe the goods*] the estimated value of which is
rupees.

2. From that day until the commencement of this suit the defendant has detained the same from the plaintiff.

3. Before the commencement of the suit, to wit on the
day of 19 the plaintiff demanded the same from the defendant, but he refused to deliver them.

[*As in paras 4 and 5 of Form No. 1.*]

6. The plaintiff claims—

(1) delivery of the said goods, or rupees, in case delivery cannot be had;

(2) rupees compensation for the detention thereof.

The Schedule.

No. 33.

AGAINST A FRAUDULENT PURCHASER AND HIS TRANSFEREE WITH NOTICE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. On the day of 19 , the defendant *C. D.*, for the purpose of inducing the plaintiff to sell him certain goods, represented to the plaintiff that [he was solvent, and worth rupees over all his liabilities].

2. The plaintiff was thereby induced to sell and deliver to *C. D.*, [one hundred boxes of tea], the estimated value of which is rupees.

3. The said representations were false, and were then known by *C. D.* to be so [*or*, at the time of making the said representations, *C. D.* was insolvent, and knew himself to be so].

4. *C. D.* afterwards transferred the said goods to the defendant *E. F.* without consideration [*or* who had notice of the falsity of the representation].

[*As in paras 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) delivery of the said goods, or rupees, in case delivery cannot be had;

(2) rupees compensation for the detention thereof.

No. 34.

RESCISSION OF A CONTRACT ON THE GROUND OF MISTAKE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the defendant represented to the plaintiff that a certain piece of ground belonging to the defendant, situated at , contained [ten bighas].

2. The plaintiff was thereby induced to purchase tha same at the price of rupees in the belief that the said representation was true, and signed an agreement, of which the original is hereto annexed. But the land has not been transferred to him.

3. On the day of 19 , the plaintiff paid the defendant rupees as part of the purchase-money.

4. That the said piece of ground contained in fact only [five bighas].

[*As in paras 4 and 5 of Form No. 1.*]

7. The plaintiff claims—

(1) rupees, with interest from the day of 19 ;

(2) that the said agreement be delivered up and cancelled.

No 35.

AN INJUNCTION RESTRAINING WASTE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The plaintiff is the absolute owner of [*describe the property*].

2. The defendant is in possession of the same under a lease from the plaintiff.

3. The defendant has [cut down a number of valuable trees, and threatens to cut down many more for the purpose of sale] without the consent of the plaintiff.

[*As in paras 4 and 5 of Form No. 1.*]

6. The plaintiff claims that the defendant be restrained by injunction from committing or permitting any further waste on the said premises.

[*Pecuniary compensation may also be claimed.*]

No. 36.

INJUNCTION RESTRAINING NUISANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. Plaintiff is, and at all times hereinafter mentioned was, the absolute owner of [the house No. Street, Calcutta].

2. The defendant is, and at all the said times was, the absolute owner of [a plot of ground in the same street].

3. On the day of 19 , the defendant erected upon the said plot a slaughter-house, and still maintains the same; and from that day until the present time has continually caused cattle to be brought and killed there [and has caused the blood and offal to be thrown into the street opposite the said house of the plaintiff].

4. In consequence [the plaintiff has been compelled to abandon the said house, and has been unable to rent the same].

[*As in paras 4 and 5 of Form No. 1.*]

The plaintiff claims that the defendant be restrained by injunction from committing or permitting any further nuisance.

No. 37.

PUBLIC NUISANCE.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. The defendant has wrongfully heaped up earth and stones on a public road known as Street at so as to obstruct the passage of the

public along the same and threatens and intends, unless restrained from so doing, to continue and repeat the said wrongful act.

2. The plaintiff has obtained the consent in writing of the Deputy Commissioner or other officer appointed in this behalf to the institution of this suit.

[*As in paras 4 and 5 of Form No 1.*]

The plaintiff claims—

(1) a declaration that the defendant is not entitled to obstruct the passage of the public along the said public road;

(2) an injunction restraining the defendant from obstructing the passage of the public along the said public road and directing the defendant to remove the earth and stones wrongfully heaped up as aforesaid.

No. 38.

INJUNCTION AGAINST THE DIVERSION OF A WATER-COURSE.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

[*As in Form No. 27.*]

The plaintiff claims that the defendant be restrained by injunction from diverting the water as aforesaid.

No. 39.

RESTORATION OF MOVABLE PROPERTY THREATENED WITH DESTRUCTION, AND FOR AN INJUNCTION.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. Plaintiff is, and at all times hereinafter mentioned was, the owner of [a portrait of his grandfather which was executed by an eminent painter], and of which no duplicate exists [*or, state any facts showing that the property is of a kind that cannot be replaced by money*].

2. On the day of 19 , he deposited the same for safe keeping with the defendant.

3. On the day of 19 , he demanded the same from the defendant and offered to pay all reasonable charges for the storage of the same.

4. The defendant refuses to deliver the same to the plaintiff and threatens to conceal, dispose of, cut or injure the same if required to deliver it up.

5. No pecuniary compensation would be an adequate compensation to the plaintiff for the loss of the [painting].

[*As in paras 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) that the defendant be restrained by injunction from disposing of, injuring or concealing the said [painting];

(2) that he be compelled to deliver the same to the plaintiff.

No. 40.

INTERPLEADER.

(*Title.*)

A. B., the above-named plaintiff, states as follows:—

1. Before the date of the claims hereinafter mentioned *G. H.* deposited with the plaintiff [*describe the property*] for [safe keeping].

2. The defendant *C. D.* claims the same [under an alleged assignment thereof to him from *G.H.*]

3. The defendant *E. F.* also claims the same [under an order of *G. H.* transferring the same to him].

4. The plaintiff is ignorant of the respective rights of the defendants.

5. He has no claim upon the said property other than for charges and costs, and is ready and willing to deliver it to such persons as the Court shall direct.

6. The suit is not brought by collusion with either of the defendants.

[*As in paras 4 and 5 of Form No. 1.*]

9. The plaintiff claims—

(1) that the defendants be restrained, by injunction, from taking any proceedings against the plaintiff in relation thereto;

(2) that they be required to interplead together concerning their claims to the said property;

[(3) that some person be authorized to receive the said property pending such litigation;]

(4) that upon delivering the same to such [person] the plaintiff be discharged from all liability to either of the defendants in relation thereto.

Appendix A (3) Nos. 41—43.

No. 41.

ADMINISTRATION BY CREDITOR ON BEHALF OF HIMSELF AND ALL OTHER CREDITORS.

(*Title.*)

A. B., the above-named plaintiff, states as follows :—

1. *E. F.*, late of , was at the time of his death, and his estate still is, indebted to the plaintiff in the sum of [*here insert nature of debt and security, if any*].

2. *E. F.* died on or about the day of . By his last will, dated the day of , he appointed *C. D.* his executor [*or* devised his estate in trust, etc., *or* died intestate, *as the case may be*].

3. The will was proved by *C. D.* [*or* letters of administration were granted, etc.].

4. The defendant has possessed himself of the movable [and immovable, *or* the proceeds of the immovable] property of *E. F.*, and has not paid the plaintiff his debt.

[*As in paras. 4 and 5 of Form No. 1.*]

7. The plaintiff claims that an account may be taken of the movable [and immovable] property of *E. F.*, deceased, and that the same may be administered under the decree of the Court.

No. 42.

ADMINISTRATION BY SPECIFIC LEGATEE.

(*Title.*)

[*Alter Form No. 41 thus.*]

[*Omit paragraph 1 and commence paragraph 2*] *E. F.*, late of died on or about the day of . By his last will, dated the day of he appointed *C. D.* his executor, and bequeathed to the plaintiff [*here state the specific legacy*].

For paragraph 4 substitute—

The defendant is in possession of the movable property of *E. F.*, and, amongst other things, of the said [*here name the subject of the specific bequest*].

For the commencement of paragraph 7 substitute—

The plaintiff claims that the defendant may be ordered to deliver to him the said [*here name the subject of the specific bequest*] or that, etc.

No. 43.

ADMINISTRATION BY PECUNIARY LEGATEE.

(*Title.*)

[*Alter Form No. 41 thus.*]

[*Omit paragraph 1 and substitute for paragraph 2*] *E. F.*, late of died on or about the day of . By his last will, dated the day of , he appointed *C. D.* his executor, and bequeathed to the plaintiff a legacy of rupees.

In paragraph 4 substitute "legacy" *for* "debt."

Another Form.

(*Title.*)

E. F., the above-named plaintiff, states as follows :—

1. *A. B.* of K. in the died on the day of . By his last will, dated the day of , he appointed the defendant and *M. N.* [who died in the testator's lifetime] his executors, and bequeathed his property, whether movable or immovable, to his executors in trust, to pay the rents and income thereof to the plaintiff for his life; and after his decease, and in default of his having a son who should attain twenty-one, or a daughter who should attain that age or marry, upon trust as to his immovable property for the person who would be the testator's heir-at-law, and as to his movable property for the persons who would be the testator's next-of-kin if he had died intestate at the time of the death of the plaintiff, and such failure of his issue as aforesaid.

2. The will was proved by the defendant on the day of . The plaintiff has not been married.

3. The testator was at his death entitled to movable and immovable property; the defendant entered into the receipt of the rents of the immovable property and got in the movable property; he has sold some part of the immovable property.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims—

(1) to have the movable and immovable property of *A. B.* administered in this Court, and for that purpose to have all proper directions given and accounts taken;

(2) such further or other relief as the nature of the case may require.

Appendix A (3), Nos. 44—46.

No. 44.

EXECUTION OF TRUSTS.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. He is one of the trustees under an instrument of settlement bearing date on or about the day of made upon the marriage of *E. F.* and *G. H.*, the father and mother of the defendant, [*or* an instrument of transfer of the estate and effects of *E. F.* for the benefit of *C. D.*, the defendant, and the other creditors of *E. F.*].

2. *A. B.* has taken upon himself the burden of the said trust, and is in possession of [*or* of the proceeds of] the movable and immovable property transferred by the said instrument.

3. *C. D.* claims to be entitled to a beneficial interest under the instrument.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff is desirous to account for all the rents and profits of the said immovable property [and the proceeds of the sale of the said, *or* of part of the said immovable property, *or* movable *or* the proceeds of the sale of, *or* of part of, the said movable property, *or* the profits accruing to the plaintiff as such trustee in the execution of the said trust] : and he prays that the Court will take the accounts of the said trust, and also that the whole of the said trust estate may be administered in the Court for the benefit of *C. D.*, the defendant, and all other persons who may be interested in such administration, in the presence of *C. D.*, and such other persons so interested as the Court may direct, or that *C. D.* may show good cause to the contrary.

[*N. B.—Where the suit is by a beneficiary, the plaint may be modelled,* mutatis mutandis, *on the plaint by a legatee.*]

No. 45.

FORECLOSURE OR SALE.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is mortgagee of lands belonging to the defendant.
2. The following are the particulars of the mortgage:—
   (*a*) (date);
   (*b*) (names of mortgagor and mortgagee);
   (*c*) (sum secured);
   (*d*) (rate of interest);
   (*e*) (property subject to mortgage);
   (*f*) (amount now due);
   (*g*) (*if the plaintiff's title is derivative, state shortly the transfers or devolution under which he claims*).

   (*If the plaintiff is mortgagee in possession, add*)
3. The plaintiff took possession of the mortgaged property on the day of and is ready to account as mortgagee in possession from that time.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims—
   (1) payment, or in default [sale *or*] foreclosure [and possession];

   [*Where Order 34, rule 6, applies.*]

   (2) in case the proceeds of the sale are found to be insufficient to pay the amount due to the plaintiff, then that liberty be reserved to the plaintiff to apply for a decree for the balance.

No. 46.

REDEMPTION.

(Title.)

A. B., the above-named plaintiff, states as follows:—

1. The plaintiff is mortgagor of lands of which the defendant is mortgagee.
2. The following are the particulars of the mortgage:—
   (*a*) (date);
   (*b*) (names of mortgagor and mortgagee);
   (*c*) (sum secured);
   (*d*) (rate of interest);
   (*e*) (property subject to mortgage);
   (*f*) (*if the plaintiff's title is derivative, state shortly the transfers or devolution under which he claims*).

   (*If the defendant is mortgagee in possession, add*)
3. The defendant has taken possession [*or* has received the rents] of the mortgaged property.

[*As in paras. 4 and 5 of Form No. 1.*]

6. The plaintiff claims to redeem the said property and to have the same reconveyed to him [and to have possession thereof].

Appendix A (3) Nos. 47—49 and (4).

No. 47.

SPECIFIC PERFORMANCE (No. 1).

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. By an agreement dated the day of and signed by the defendant, he contracted to buy of (*or* sell to) the plaintiff certain immovable property therein described and referred to, for the sum of rupees.

2. The plaintiff has applied to the defendant specifically to perform the agreement on his part, but the defendant has not done so.

3. The plaintiff has been and still is ready and willing specifically to perform the agreement on his part of which the defendant has had notice.

(As in paras. 4 and 5 of Form No. 1.)

6. The plaintiff claims that the Court will order the defendant specifically to perform the agreement and to do all acts necessary to put the plaintiff in full possession of the said property [*or* to accept a transfer and possession of the said property] and to pay the costs of the suit.

No. 48.

SPECIFIC PERFORMANCE (No. 2).

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. On the day of 19 , the plaintiff and defendant entered into an agreement, in writing, and the original document is hereto annexed.

The defendant was absolutely entitled to the immovable property described in the agreement.

2. On the day of 19 the plaintiff tendered rupees to the defendant, and demanded a transfer of the said property by a sufficient instrument.

3. On the day of 19 , the plaintiff again demanded such transfer [*or* the defendant refused to transfer the same to the plaintiff].

4. The defendant has not executed any instrument of transfer.

5. The plaintiff is still ready and willing to pay the purchase-money of the said property to the defendant.

[*As in paras. 4 and 5 of Form No. 1.*]

8. The plaintiff claims—

(1) that the defendant transfers the said property to the plaintiff by a sufficient instrument [*following the terms of the agreement*];

(2) rupees compensation for withholding the same.

No. 49.

PARTNERSHIP.

(Title.)

A. B., the above-named plaintiff, states as follows :—

1. He and *C. D.*, the defendant, have been for years (or months) past carrying on business together under articles of partnership in writing, (*or* under a deed, or under a verbal agreement).

2. Several disputes and differences have arisen between the plaintiff and defendant as such partners whereby it has become impossible to carry on the business in partnership with advantage to the partners. [*Or* the defendant has committed the following breaches of the partnership articles :—

(1)
(2)
(3)]

[*As in paras. 4 and 5 of Form No. 1*]

5. The plaintiff claims—

(1) dissolution of the partnership;
(2) that accounts be taken;
(3) that a receiver be appointed.

(*N. B.—In suits for the winding up of any partnership, omit the claim for dissolution and instead insert a paragraph stating the facts of the partnership having been dissolved.*)

---

(4) Written Statements.

General defences.

Denial.

The defendant denies that (*set out facts*).

The defendant does not admit that (*set out facts*).

The defendant admits that but says that—

Protest. The defendant denies that he is a partner in the defendant firm of

The defendant denies that he made the contract alleged or any contract with the plaintiff.

The defendant denies that he contracted with the plaintiff as alleged or at all.

The defendant admits assets but not the plaintiff's claim.

The defendant denies that the plaintiff sold to him the goods mentioned in the plaint or any of them.

Limitation. The suit is barred by article or article of the first schedule to the Mysore Limitation Regulation.

Jurisdiction. The Court has no jurisdiction to hear the suit on the ground that (*set forth the grounds*).

On the day of a diamond ring was delivered by the defendant to and accepted by the plaintiff in discharge of the alleged cause of action.

The defendant has been adjudged an insolvent.

Insolvency. The plaintiff before the institution of the suit was adjudged an insolvent and the right to sue vested in the receiver.

Minority. The defendant was a minor at the time of making the alleged contract.

Payment into Court. The defendant as to the whole claim (or as to Rs. part of the money claimed, *or as the case may be*) has paid into Court Rs. and says that this sum is enough to satisfy the plaintiff's claim (or the part aforesaid).

Performance remitted. The performance of the promise alleged was remitted on the (*date*).

Rescission. The contract was rescinded by agreement between the plaintiff and defendant.

Res judicata. The plaintiff's claim is barred by the decree in suit (*give the reference*).

Estoppel. The plaintiff is estopped from denying the truth of (*insert statement as to which estoppel is claimed*) because (*here state the facts relied on as creating the estoppel*).

Ground of defence subsequent to institution of suit. Since the institution of the suit, that is to say, on the day of (*set out facts*).

No. 1.

DEFENCE IN SUITS FOR GOODS SOLD AND DELIVERED.

1. The defendant did not order the goods.
2. The goods were not delivered to the defendant.
3. The price was not Rs.

(*or*)

4. } Except as to Rs. , same as { 1. 2. 3.
5. }
6. }

7. The defendant (or A. B., the defendant's agent) satisfied the claim by payment before suit to the plaintiff (*or* to C. D., the plaintiff's agent) on the day of 19

8. The defendant satisfied the claim by payment after suit to the plaintiff on the day of 19

No. 2.

DEFENCE IN SUITS ON BONDS.

1. The bond is not the defendant's bond.
2. The defendant made payment to the plaintiff on the day according to the condition of the bond.
3. The defendant made payment to the plaintiff after the day named and before suit of the principal and interest mentioned in the bond.

No. 3.

DEFENCE IN SUITS ON GUARANTEES.

1. The principal satisfied the claim by payment before suit.
2. The defendant was released by the plaintiff giving time to the principal debtor in pursuance of a binding agreement.

No. 4.

DEFENCE IN ANY SUIT FOR DEBT.

1. As to Rs. 200 of the money claimed, the defendant is entitled to set off for goods sold and delivered by the defendant to the plaintiff.

Appendix A (4) Nos. 5—10.

Particulars are as follows :—

				Rs.
1907, January 25th	...	...	...	... 150
„ February 1st	...	...	...	... 50
			Total	... 200

2. As to the whole [*or* as to Rs. , part of the money claimed] the defendant made tender before suit of Rs. , and has paid the same into Court.

No. 5.

DEFENCE IN SUITS FOR INJURIES CAUSED BY NEGLIGENT DRIVING.

1. The defendant denies that the carriage mentioned in the plaint was the defendant's carriage, and that it was under the charge or control of the defendant's servants. The carriage belonged to of Street, Calcutta, livery stable keepers employed by the defendant to supply him with carriages and horses; and the person under whose charge and control the said carriage was, was the servant of the said—.

2. The defendant does not admit that the said carriage was turned out of Middleton Street, either negligently, suddenly or without warning, or at a rapid or dangerous pace.

3. The defendant says the plaintiff might and could, by the exercise of reasonable care and diligence, have seen the said carriage approaching him, and avoided any collision with it.

4. The defendant does not admit the statements contained in the third paragraph of the plaint.

No. 6.

DEFENCE IN ALL SUITS FOR WRONGS.

1. Denial of the several acts [*or* matters] complained of.

No. 7.

DEFENCE IN SUITS FOR DETENTION OF GOODS.

1. The goods were not the property of the plaintiff.
2. The goods were detained for a lien to which the defendant was entitled.

Particulars are as follows :—

1907, May 3rd. To carriage of the goods claimed from Delhi to Calcutta :—
45 maunds at Rs. 2 per maund ... ... Rs.

No. 8.

DEFENCE IN SUITS FOR INFRINGEMENT OF COPYRIGHT.

1. The plaintiff is not the author [*assignee, etc.*].
2. The book was not registered.
3. The defendant did not infringe.

No. 9.

DEFENCE IN SUITS FOR INFRINGEMENT OF TRADE MARK.

1. The trade mark is not the plaintiff's.
2. The alleged trade mark is not a trade mark.
3. The defendant did not infringe.

No. 10.

DEFENCES IN SUITS RELATING TO NUISANCES.

1. The plaintiff's lights are not ancient [*or* deny his other alleged prescriptive rights].

2. The plaintiff's lights will not be materially interfered with by the defendant's buildings.

3. The defendant denies that he or his servants pollute the water [*or* do what is complained of].

[*If the defendant claims the right by prescription or otherwise to do what is complained of, he must say so, and must state the grounds of the claim,* i.e., *whether by prescription, grant or what.*]

4. The plaintiff has been guilty of laches of which the following are particulars :—

1870. Plaintiff's mill began to work.
1871. Plaintiff came into possession.
1883. The first complaint.

5. As to the plaintiff's claim for damages the defendant will rely on the above grounds of defence, and says that the acts complained of have not produced any damage to the plaintiff. [*If other grounds are relied on, they must be stated,* i.e., *limitation as to past damage.*]

Appendix A:(4) Nos. 11—15.

No. 11.

DEFENCE TO SUIT FOR FORECLOSURE.

1. The defendant did not execute the mortgage.
2. The mortgage was not transferred to the plaintiff (*if more than one transfer is alleged, say which is denied*).
3. The suit is barred by article of the first schedule to the Mysore Limitation Regulation.
4. The following payments have been made, *viz*:—

		Rs.
(*Insert date.*)	——————,	... 1,000
(*Insert date.*)	——————,	... 500

5. The plaintiff took possession on the of ; and has received the rents ever since.
6. The plaintiff released the debt on the of
7. The defendant transferred all his interest to A. B. by a document, dated

---

No. 12.

DEFENCE TO SUIT FOR REDEMPTION.

1. The plaintiff's right to redeem is barred by article of the first schedule to the Mysore Limitation Regulation.
2. The plaintiff transferred all interest in the property to A. B.
3. The defendant, by a document dated the day of transferred all his interest in the mortgage-debt and property comprised in the mortgage to A. B.
4. The defendant never took possession of the mortgaged property, or received the rents thereof.

(*If the defendant admits possession for a time only, he should state the time, and deny possession beyond what he admits.*)

No. 13.

DEFENCE TO SUIT FOR SPECIFIC PERFORMANCE.

1. The defendant did not enter into the agreement.
2. A. B. was not the agent of the defendant (*if alleged by plaintiff*).
3. The plaintiff has not performed the following conditions—(*Conditions*).
4. The defendant did not—(*alleged acts of part performance*).
5. The plaintiff's title to the property agreed to be sold is not such as the defendant is bound to accept by reasons of the following matter—(*state why*).
6. The agreement is uncertain in the following respects—(*state them*).
7. (*or*) The plaintiff has been guilty of delay,
8. (*or*) The plaintiff has been guilty of fraud (*or* misrepresentation),
9. (*or*) The agreement is unfair;
10. (*or*) The agreement was entered into by mistake.
11. The following are particulars of (7), (8), (9), (10) (*or as the case may be*).
12. The agreement was rescinded under Conditions of Sale, No. 11 (*or* by mutual agreement).

(*In cases where damages are claimed and the defendant disputes his liability to damages, he must deny the agreement or the alleged breaches, or show whatever other ground of defence he intends to rely on*, e.g., *the Limitation Act, accord and satisfaction, release, fraud, etc.*)

No. 14.

DEFENCE IN ADMINISTRATION SUIT BY PECUNIARY LEGATEE.

1. A. B.'s will contained a charge of debts; he died insolvent; he was entitled at his death to some immovable property which the defendant sold and which produced the net sum of Rs. , and the testator had some movable property which the defendant got in, and which produced the net sum of Rs.
2. The defendant applied the whole of the said sums and the sum of Rs. which the defendant received from rents of the immovable property in the payment of the funeral and testamentary expenses and some of the debts of the testator.
3. The defendant made up his accounts and sent a copy thereof to the plaintiff on the day of 19 , and offered the plaintiff free access to the vouchers to verify such accounts, but he declined to avail himself of the defendant's offer.
4. The defendant submits that the plaintiff ought to pay the cost of this suit.

No. 15.

PROBATE OF WILL IN SOLEMN FORM.

1. The said will and codicil of the deceased were not duly executed according to the provisions of the Indian Succession Act, 1865 as applied to Mysore.
2. The deceased at the time the said will and codicil respectively purport to have been executed, was not of sound mind, memory and understanding.

Appendix A (4) No. 16.

3. The execution of the said will and codicil was obtained by the undue influence of the plaintiff [and others acting with him whose names are at present unknown to the defendant].

4. The execution of the said will and codicil was obtained by the fraud of the plaintiff, such frauds, so far as is within the defendant's present knowledge, being [*state the nature of the fraud*].

5. The deceased at the time of the execution of the said will and codicil did not know and approve of the contents thereof, [*or* of the contents of the residuary clause in the said will, *as the case may be*].

6. The deceased made his true last will, dated the 1st January 1873, and thereby appointed the defendant sole executor thereof.

The defendant claims—

(1) that the Court will pronounce against the said will and codicil propounded by the plaintiff;

(2) that the Court will decree probate of the will of the deceased, dated the 1st January, 1873, in solemn form of law.

No. 16.

PARTICULARS. (O. 6, r. 5.)

(*Title of suit.*)

Particulars. The following are the particulars of (*here state the matters in respect of which particulars have been ordered*) delivered pursuant to the order of the of

(*Here set out the particulars, ordered in paragraphs, if necessary.*)

APPENDIX B.

PROCESS.

No. 1.

SUMMONS FOR DISPOSAL OF SUIT. (O. 5, rr. 1, 5.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the day of 19 , at o'clock in the noon, to answer the claim; and as the day fixed for your appearance is appointed for the final disposal of the suit, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call upon the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

No. 2.

SUMMONS FOR SETTLEMENT OF ISSUES. (O. 5, rr. 1, 5.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person, or by a pleader duly instructed, and able to answer all material questions relating to the suit, or who shall be accompanied by some person able to answer all such questions, on the day of 19 , at o'clock in the noon, to answer the claim; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

NOTICE.—1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim, you should pay the money into Court together with the costs of the suit, to avoid execution of the decree, which may be against your person or property, or both.

No. 3.

SUMMONS TO APPEAR IN PERSON. (O. 5, r. 3.)

(Title.)

To

[Name, description and place of residence.]

WHEREAS
has instituted a suit against you for
you are hereby summoned to appear in this Court in person on the day of 19 , at o'clock in the noon, to answer the

claim; and you are directed to produce on that day all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

No. 4.

SUMMONS IN SUMMARY SUIT ON NEGOTIABLE INSTRUMENT. (O. 37, r. 2.)

(*Title.*)

To

[*Name, description and place of residence.*]

WHEREAS has instituted a suit against you under Order XXXVII of the Code of Civil Procedure, 1911, for Rs. , balance of principal and interest due to him as the of a of which a copy is hereto annexed, you are hereby summoned to obtain leave from the Court within ten days from the service hereof to appear and defend the suit, and within such time to cause an appearance to be entered for you. In default whereof the plaintiff will be entitled at any time after the expiration of such ten days to obtain a decree for any sum not exceeding the sum of Rs. and the sum of Rs. for costs.

Leave to appear may be obtained on an application to the Court supported by affidavit or declaration showing that there is a defence to the suit on the merits, or that it is reasonable that you should be allowed to appear in the suit.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

No. 5.

NOTICE TO PERSON WHO, THE COURT CONSIDERS, SHOULD BE ADDED AS CO-PLAINTIFF. (O. 1, r. 10.)

(*Title.*)

To

[*Name, description and place of residence.*]

WHEREAS has instituted the above suit against for and whereas it appears necessary that you should be added as a plaintiff in the said suit in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved.

Take notice that you should on or before day of 19 signify to this Court whether you consent to be so added

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

No. 6

SUMMONS TO LEGAL REPRESENTATIVE OF A DECEASED DEFENDANT. (O. 22, r. 4.)

(*Title.*)

To

WHEREAS the plaintiff instituted a suit in this Court on the day of 19 against the defendant who has since deceased, and whereas the said plaintiff has made an application to this Court alleging that you are the legal representative of the said deceased, and desiring that you be made the defendant in his stead:

You are hereby summoned to attend in this Court on the day of 19 at A.M. to defend the said suit, and, in default of your appearance on the day specified, the said suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this
day of 19 .

Judge.

No. 7.

ORDER FOR TRANSMISSION OF SUMMONS FOR SERVICE IN THE JURISDICTION OF ANOTHER COURT. (O. 5, r. 21.)

(*Title.*)

WHEREAS it is stated that
defendant / witness in the above suit is at present residing in

Appendix B Nos. 8—11.

It is ordered that a summons returnable on the day of 19 , be forwarded to the Court of for service on the said defendant / witness with a duplicate of this proceeding.

The court-fee of chargeable in respect to the summons has been realized in this Court in stamps.

Dated 19 .

Judge.

No. 8.

ORDER FOR TRANSMISSION OF SUMMONS TO BE SERVED ON A PRISONER.

(O. 5, r. 24.)

(*Title.*)

To

The Superintendent of the Jail at

UNDER the provisions of Order V, rule 24, of the Code of Civil Procedure, 1911, a summons in duplicate is herewith forwarded for service on the defendant who is a prisoner in jail. You are requested to cause a copy of the said summons to be served upon the said defendant and to return the original to this Court signed by the said defendant, with a statement of service endorsed thereon by you.

Judge.

No. 9.

ORDER FOR TRANSMISSION OF SUMMONS TO BE SERVED ON A PUBLIC SERVANT, OFFICER OR SOLDIER. (O. 5, rr. 27, 28.)

(*Title.*)

To

UNDER the provisions of Order V, rule 27, (*or 28, as the case may be*), of the Code of Civil Procedure, 1911, a summons in duplicate is herewith forwarded for service on the defendant who is stated to be serving under you. You are requested to cause a copy of the said summons to be served upon the said defendant and to return the original to this Court signed by the said defendant, with a statement of service endorsed thereon by you.

Judge.

No. 10.

TO ACCOMPANY RETURNS OF SUMMONS OF ANOTHER COURT. (O. 5, r. 23.)

(*Title.*)

Read proceeding from the forwarding for service on in Suit No. of 19 of that Court.

Read Serving Officer's endorsement stating that the and proof of the above having been duly taken by me on the oath of and it is ordered that the be returned to the with a copy of this proceeding.

Judge.

NOTE.—This form will be applicable to process other than summons, the service of which may have to be effected in the same manner.

No. 11.

AFFIDAVIT OF PROCESS-SERVER TO ACCOMPANY RETURN OF A SUMMONS OR NOTICE (O. 5, r. 18.)

(*Title.*)

The Affidavit of son of

I make oath / affirm

and say as follows :—

(1) I am a process-server of this Court.

(2) On the day of 19 I received a summons / notice issued by the Court of in Suit No. of 19 in the said Court, dated the day of 19 for service on

(3) The said was at the time personally known to me, and I served the said summons / notice on him / her on the day of 19 at about o'clock in the noon

Appendix B Nos. 12 and 13.

at by tendering a copy thereof to him/her and requiring his/her signature to the original summons/notice.

(a)
(b)

(a) Here state whether the person served signed or refused to sign the process, and in whose presence.
(b) Signature of process-server.

or,

(3) The said not being personally known to me accompanied to and pointed out to me a person whom he stated to be the said , and I served the said summons/notice on him/her on the day of 19 , at about o'clock in the noon at by tendering a copy thereof to him/her and requiring his/her signature to the original summons/notice.

(a)
(b)

(a) Here state whether the person served signed or refused to sign the process, and in whose presence.
(b) Signature of process-server.

or,

(3) The said and the house in which he ordinarily resides being personally known to me, I went to the said house, in and there on the day of 19 , at about o'clock in the noon, I did not find the said

(a)
(b)

(a) Enter fully and exactly the manner in which the process was served, with special reference to Order 5, rules 15 and 17.
(b) Signature of process-server.

or,

(3) One accompanied me to and there pointed out to me which he said was the house in which ordinarily resides. I did not find the said there

(a)
(b)

(a) Enter fully and exactly the manner in which the process was served, with special reference to Order 5, rules 15 and 17.
(b) Signature of process-server.

or,

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of the order for substituted service.

Sworn/Affirmed by the said. before me this day of 19 .

Empowered under section 139 of the Code of Civil Procedure, to administer the oath to deponents. 19 .

No. 12.

NOTICE TO DEFENDANT. (O. 9, r. 6.)

(*Title.*)

To

(*Name, description and place of residence.*)

WHEREAS this day was fixed for the hearing of the above suit and a summons was issued to you and the plaintiff has appeared in this Court and you did not so appear, but from the return of the Nazir it has been proved to the satisfaction of the Court that the said summons was served on you but not in sufficient time to enable you to appear and answer on the day fixed in the said summons:

Notice is hereby given to you that the hearing of the suit is adjourned this day and that the day of 19 is now fixed for the hearing of the same; in default of your appearance on the day last mentioned, the suit will be heard and determined in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 13.

SUMMONS TO WITNESS. (O. 16, rr. 1, 5.)

(*Title.*)

To

WHEREAS your attendance is required to on behalf of the in the above suit, you are hereby required [personally] to appear before this Court on the day of 19 at o'clock in the forenoon, and

to bring with you [or to send to this Court]

A sum of Rs. , being your travelling and other expenses and subsistence allowance for one day, is herewith sent. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1911.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

NOTICE.—(1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sun of Rs. will be tendered to you for each day's attendance beyond the day specified.

No. 14.

PROCLAMATION REQUIRING ATTENDANCE OF WITNESS. (O. 16, r. 10.)

(*Title.*)

To

WHEREAS it appears from the examination on oath of the serving officer that the summons could not be served upon the witness in the manner prescribed by law: and whereas it appears that the evidence of the witness is material, and he absconds and keeps out of the way for the purpose of evading the service of the summons: This proclamation is therefore, under rule 10 of Order XVI of the Code of Civil Procedure, 1911, issued, requiring the attendance of the witness in this Court on the day of 19 at o'clock in the forenoon, and from day to day until he shall have leave to depart; and if the witness fails to attend on the day and hour aforesaid he will be dealt with according to law.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 15.

PROCLAMATION REQUIRING ATTENDANCE OF WITNESS. (O. 16, r. 10.)

(*Title.*)

To

WHEREAS it appears from the examination on oath of the serving officer that the summons has been duly served upon the witness, and whereas it appears that the evidence of the witness is material and he has failed to attend in compliance with such summons: This proclamation is therefore, under rule 10 of Order XVI of the Code of Civil Procedure, 1911, issued, requiring the attendance of the witness in this Court on the day of 19 at o'clock in the forenoon, and from day to day until he shall have leave to depart; and if the witness fails to attend on the day and hour aforesaid he will be dealt with according to law.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 16.

WARRANT OF ATTACHMENT OF PROPERTY OF WITNESS. (O 16, r. 10.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS the witness

cited by

has not, after the expiration of the period limited in the proclamation issued for his attendance, appeared in Court; You are hereby directed to hold under attachment property belonging to the said witness to the value of and to submit a return, accompanied with an inventory thereof, within days.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 17.

WARRANT OF ARREST OF WITNESS. (O. 16, r. 10.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS has been duly served with a summons but has failed to attend [absconds and keeps out of the way for the purpose of avoiding service of a summons]; You are hereby ordered to arrest and bring the said before the Court.

Appendix B Nos. 18 and 19.

You are further ordered to return this warrant on or before the day of 19 with an endorsement certifying the day on and the manner in which it has been executed or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 18.

WARRANT OF COMMITTAL. (O. 16, r. 16.)

(Title.)

To

The Officer in charge of the Jail at

WHEREAS the plaintiff (*or* defendant) in the abovenamed suit has made application to this Court that security be taken for the appearance of to give evidence (*or* to produce a document), on the day of 19 ; and whereas the Court has called upon the said to furnish such security, which he has failed to do; This is to require you to receive the said into your custody in the civil prison and to produce him before this Court at on the said day and on such other day or days as may be hereafter ordered.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 19.

WARRANT OF COMMITTAL. (O. 16, r. 18.)

(Title.)

To

The Officer in charge of the Jail at

WHEREAS , whose attendance is required before this Court in the abovenamed case to give evidence (*or* to produce a document), has been arrested and brought before the Court in custody; and whereas owing to the absence of the plaintiff (or defendant), the said cannot give such evidence (or produce such document); and whereas the Court has called upon the said to give security for his appearance on the day of , 19 , at which he has failed to do; This is to require you to receive the said into your custody in the civil prison and to produce him before this Court at on the day of 19 .

GIVEN under my hand and the seal of the Court, this day of

Judge.

Appendix C, Nos. 1—5.

APPENDIX C.

DISCOVERY, INSPECTION AND ADMISSION.

No. 1.

ORDER FOR DELIVERY OF INTERROGATORIES. (O. 11, r. 1.)

In the Court of
Civil Suit No. of 19 .

A. B. ... ... *Plaintiff,*

against

C. D., E. F. and G. H. ... ... *Defendants.*

Upon hearing and upon reading the affidavit of filed the day of 19 ; It is ordered that the be at liberty to deliver to the interrogatories in writing, and that the said do answer the interrogatories as prescribed by Order XI, rule 8, and that the costs of this application be

No. 2.

INTERROGATORIES. (O. 11, r. 4.)

(Title as in No. 1, supra.)

Interrogatories on behalf of the abovenamed [*plaintiff or defendant C. D.*] for the examination of the abovenamed [*defendants E. F. and G. H. or plaintiff*].

1. Did not, etc.
2. Has not, etc.

etc., etc., etc.

[*The defendant E. F. is required to answer the interrogatories numbered.*]

[*The defendant G. H. is required to answer the interrogatories numbered.*]

No. 3.

ANSWER TO INTERROGATORIES. (O. 11, r. 9.)

(Title as in No. 1, supra.)

The answer of the abovenamed defendant E. F. to the interrogatories for his examination by the abovenamed plaintiff.

In answer to the said interrogatories, I, the abovenamed E. F., make oath and say as follows:—

1. } Enter answers to interrogatories in paragraphs numbered consecutively.
2. }

3. I object to answer the interrogatories numbered on the ground that [*state grounds of objection*].

No. 4.

ORDER FOR AFFIDAVIT AS TO DOCUMENTS. (O. 11, r. 12.)

(Title as in No. 1, supra.)

Upon hearing
It is ordered that the do within days from the date of this order, answer on affidavit stating which documents are or have been in his possession or power relating to the matter in question in this suit and that the costs of this application be

No. 5.

AFFIDAVIT AS TO DOCUMENTS. (O. 11, r. 13.)

(Title as in No. 1, Supra.)

I, the abovenamed defendant C. D., make oath and say as follows:—

1. I have in my possession or power the documents relating to the matters in question in this suit set forth in the first and second parts of the first schedule hereto.
2. I object to produce the said documents set forth in the second part of the first schedule hereto [*state grounds of objection*].
3. I have had, but have not now, in my possession or power the documents relating to the matters in question in this suit set forth in the second schedule hereto.
4. The last mentioned documents were last in my possession or power on [*state when and what has become of them, and in whose possession they now are*].

5. According to the best of my knowledge, information and belief I have not now, and never had, in my possession, custody or power, or in the possession, custody or power of my pleader or agent, or in the possession, custody or power of any other person on my behalf, any account, book of account, voucher, receipt, letter, memorandum, paper or writing, or any copy of or extract from any such document, or any other document whatsoever, relating to the matters in question in this suit or any of them, or wherein any entry has been made relative to such matters or any of them, other than and except the documents set forth in the said first and second schedules hereto.

No. 6.

ORDER TO PRODUCE DOCUMENTS FOR INSPECTION. (O. 11, r. 14.)

(*Title as in No. 1, supra.*)

Upon hearing and upon reading the affidavit of filed the day of 19 ; It is ordered that the do, at all seasonable times, on reasonable notice, produce at , situate at , the following documents, namely, , and that the be at liberty to inspect and peruse the documents so produced, and to make notes of their contents. In the meantime it is ordered that all further proceedings be stayed and that the costs of this application be

---

No. 7.

NOTICE TO PRODUCE DOCUMENTS. (O. 11, r. 16.)

(*Title as in No. 1, supra.*)

Take notice that the [*plaintiff or defendant*] requires you to produce for his inspection the following documents referred to in your [plaint *or* written statement *or* affidavit dated the day of 19].

Describe documents required.

X. Y., Pleader for the

To Z., Pleader for the

No. 8.

NOTICE TO INSPECT DOCUMENTS. (O. 11, r. 17.)

(*Title as in No. 1, supra.*)

Take notice that you can inspect the documents mentioned in your notice of the day of 19 [*except the documents numbered in that notice*] at [*insert place of inspection*] on Thursday next, the instant, between the hours of 12 and 4 o'clock.

Or, that the [*plaintiff or defendant*] objects to giving you inspection of documents mentioned in your notice of the day of 19 , on the ground that [*state the ground*] :—

No. 9.

NOTICE TO ADMIT DOCUMENTS. (O. 12, r. 3.)

(*Title as in No. 1, supra.*)

Take notice that the plaintiff [*or* defendant] in this suit proposes to adduce in evidence the several documents hereunder specified, and that the same may be inspected by the defendant [*or* plaintiff], his pleader or agent, at on between the hours of ; and the defendant [*or* plaintiff] is hereby required, within forty-eight hours from the last mentioned hour, to admit that such of the said documents as are specified to be originals were respectively written, signed or executed, as they purport respectively to have been ; that such as are specified as copies are true copies ; and such documents as are stated to have been served, sent or delivered were so served, sent or delivered, respectively, saving all just exceptions to the admissibility of all such documents as evidence in this suit.

G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

To E. F., *pleader* [or *agent*] *for defendant* [*or plaintiff*].

[*Here describe the documents and specify as to each document whether it is original or a copy.*]

No. 10.

NOTICE TO ADMIT FACTS. (O. 12, r. 5.)

(*Title as in No. 1, supra.*)

Take notice that the plaintiff [*or* defentant] in this suit requires the defendant [*or* plaintiff] to admit for the purposes of this suit only, the several facts respectively hereunder specified ; and the defendant [*or* plaintiff] is hereby required, within six

days from the service of this notice, to admit the said several facts, saving all just exceptions to the admissibility of such facts as evidence in this suit.

G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

To E. F., *pleader* [or *agent*] *for defendant* [*or plaintiff*].

The facts, the admission of which is required, are—

1. That M. died on the 1st January 1890.
2. That he died intestate.
3. That N. was his only lawful son.
4. That O. died on the 1st April 1896.
5. That O. was never married.

No. 11.

ADMISSION OF FACTS PURSUANT TO NOTICE. (O. 12, r. 5.)

(*Title as in No. 1, supra.*)

The defendant [*or* plaintiff] in this suit, for the purposes of this suit only, hereby admits the several facts respectively hereunder specified, subject to the qualifications or limitations, if any, hereunder specified, saving all just exceptions to the admissibility of any such facts, or any of them, as evidence in this suit:

Provided that this admission is made for the purposes of this suit only, and is not an admission to be used against the defendant [*or* plaintiff] on any other occasion or by any one other than the plaintiff [*or* defendant, *or* party requiring the admission].

E. F., *pleader* [or *agent*] *for defendant* [or *plaintiff*].

To G. H., *pleader* [or *agent*] *for plaintiff* [or *defendant*].

Facts admitted	Qualifications or limitations, if any, subject to which they are admitted
1. That M. died on the 1st January, 1890 ...	1.
2. That he died intestate	2.
3. That N. was his lawful son	3. But not that he was his only lawful son.
4. That O. died	4. But not that he died on the 1st April 1886.
5. That E. was never married	5.

Judge.

No. 12.

NOTICE TO PRODUCE (GENERAL FORM.) (O. 12 r. 8.)

(*Title as in No. 1, supra.*)

Take notice that you are hereby required to produce and show to the Court at the first hearing of this suit all books, papers, letters, copies of letters and other writings and documents in your custody, possession or power, containing any entry, memorandum or minute relating to the matters in question in this suit, and particularly

G. H., *pleader* [or *agent*] *for plaintiff* [*or defendant*]

To *E. F.*, *pleader* [or *agent*] *for defendant* [or *plaintiff*].

APPENDIX D.

DECREES.

No 1.

DECREE IN ORIGINAL SUIT. (O. 20, rr. 6, 7.)

(*Title.*)

Claim for

This suit coming on this day for final disposal before in the presence of for the plaintiff and of for the defendant, it is ordered and decreed that and that the sum of Rs. be paid by the to the on account of the costs of this suit, with interest thereon at the rate of per cent per annum from this date to date of realization.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Costs of Suit.

Plaintiff	Rs.	A.	P.	Defendant	Rs.	A.	P.
1. Stamp for plaint ...				Stamp for power ...			
2. Do for power ...				Do for petition ...			
3. Do for exhibits ...				Pleader's fee ...			
4. Pleader's fee on Rs. ...				Subsistence for witnesses ...			
5. Subsistence for witnesses.				Service of process ...			
6. Commissioner's fee ...				Commissioner's fee ...			
7. Service of process ...							
Total ...				Total ...			

No. 2.

SIMPLE MONEY DECREE. (Section 34.)

(*Title.*)

Claim for

This suit coming on this day for final disposal before in the presence of for the plaintiff and of for the defendant, it is ordered that the do pay to the the sum of Rs. with interest thereon at the rate of per cent per annum from to the date of realization of the said sum and do also pay Rs. , the costs of this suit with interest thereon at the rate of per cent per annum from this date to the date of realization.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Costs of Suit.

Plaintiff	Rs.	A.	P.	Defendant	Rs.	A.	P.
1. Stamp for plaint ...				Stamp for power ...			
2. Do for power ...				Do for petition ...			
3. Do for exhibits ...				Pleader's fee ...			
4. Pleader's fee on Rs. ...				Subsistence for witnesses ...			
5. Subsistence for witnesses.				Service of process ...			
6. Commissioner's fee ...				Commissioner's fee ...			
7. Service of process ...							
Total ...				Total ...			

Appendix D, Form Nos. 3—5.

No. 3.

PRELIMINARY DECREE FOR FORECLOSURE. (O. 34, r. 2.)

(Title.)

This suit coming on this day, etc.; It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 , is Rs. ; and it is decreed as follows:—

(1) That if the defendant pays into Court the amount so declared due on or before the said day of 19 , the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the defendant free from the mortgage and from all incumbrances created by the plaintiff or any person claiming under him. [Where the plaintiff claims by derived title add *or by those under whom he claims.*] [Where the plaintiff is in possession add *and shall put the defendant in possession of the property.*]

(2) That if such payment is not made on or before the said day of 19 the defendant shall be debarred from all right to redeem the property.

Schedule.

Description of the mortgaged property.

No. 4.

PRELIMINARY DECREE FOR SALE. (O. 34, r. 4.)

(Title.)

This suit coming on this day, etc.; It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 is Rs. and that such amount shall carry interest at the rate of per cent per annum until realization; and it is decreed as follows:—

(1) That if the defendant pays into Court the amount so declared due on or before the said day of 19 , the plaintiff shall deliver up to the defendant, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the defendant free from the mortgage and from all incumbrances created by the plaintiff or any person claiming under him. [Where the plaintiff claims by derived title add *or by those under whom he claims.*] [Where the plaintiff is in possession add *and shall put the defendant in posssesion of the property.*]

(2) That if such payment is not made on or before the said day of 19 the mortgaged property or a sufficient part thereof be sold and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court and applied in payment of what is declared due to the plaintiff as aforesaid together with subsequent interest and subsequent costs, and that the balance, if any, be paid to the defendant.

(3) That if the net proceeds of the sale are insufficient to pay such amount and such subsequent interest and costs in full, the plaintiff shall be at liberty to apply for a personal decree for the amount of the balance.

Schedule.

Description of the mortgaged property.

No. 5.

PRELIMINARY DECREE FOR REDEMPTION. (O. 34, r. 7.)

(Title.)

This suit coming on this day, etc.; It is hereby declared that the amount due to the defendant on account of principal, interest and costs calculated up to the day of 19 is Rs. ;

and it is decreed as follows:—

(1) That if the plaintiff pays into Court the amount so declared due on or before the said day of 19 , the defendant shall deliver up to the plaintiff, or to such person as he appoints, all documents in his possession or power relating to the mortgaged property, and shall, if so required, retransfer the property to the plaintiff free from the mortgage and from all incumbrances created by the defendant or any person claiming under him. [Where the defendant claims by derived title add *or by those under whom he claims.*] [Where the defendant is in possession add *and shall put the plaintiff in possession of the property.*]

(2) That if such payment is not made on or before the said day of 19 , the plaintiff shall be debarred from all right to redeem the property. [If the mortgage is simple or usufructuary substitute *the property shall be sold.*]

Schedule.

Description of the mortgaged property.

Appendix D, Form Nos. 6—8.

No. 6.

DECREE FOR FORECLOSURE.—FIRST MORTGAGEE *v.* SECOND MORTGAGEE AND MORTGAGOR.—SUCCESSIVE PERIODS FOR REDEMPTION.

(*Title.*)

It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 (*a*) is Rs. *x*, and that on the day of 19 (*b*) there will be due to the plaintiff for interest the further sum of Rs. , making in all Rs. *y*; and it is further declared that on the day of 19 (*b*) there will be due to the first defendant on account of principal, interest and costs Rs. *z*;

and it is decreed as follows:—

(1) That if the first defendant pays into Court the said sum of Rs. *x* on or before the said day of 19 (*a*) the plaintiff shall deliver up, etc., (as in Form No. 3).

(2) That in default of the first defendant paying the said sum on or before the said day he shall be debarred from all right to redeem the property.

(3) That in case of such foreclosure and if the second defendant pays into Court the said sum of Rs. *y*, on or before the day of 19 , (*b*) the plaintiff shall deliver up, etc., (as in Form No. 3).

(4) That in default of the second defendant paying the said sum on or before the said day he shall be debarred from all right to redeem the property.

(5) That in case the first defendant shall redeem the mortgaged property, if the second defendant pays into Court the said sums of Rs. *y* and Rs. *z* on or before the day of 19 , (*b*) the first defendant shall deliver up, etc., (as in Form No. 3).

(6) That in default of the second defendant paying the said sums on or before the said day he shall be debarred from all right to redeem the property. [Where the second defendant is in possession add *and shall put the first defendant in possession of the property.*]

No. 7.

DECREE FOR SALE.—FIRST MORTGAGEE *v.* SECOND MORTGAGEE AND MORTGAGOR.—ONE PERIOD FOR REDEMPTION.

(*Title.*)

It is hereby declared that the amount due to the plaintiff on account of principal, interest and costs calculated up to the day of 19 is Rs. *x*, and that on the said day there will be due to the first defendant on account of principal, interest and costs Rs. *y*; and it is decreed as follows:—

(1) That if the defendants or either of them pay into Court the said sum of Rs. *x* on or before the said day of 19 the plaintiff shall deliver up, etc., (as in Form No. 4).

(2) That if payment of the said sum is not made on or before the day of 19 the mortgaged property or a sufficient part thereof be sold, and that the proceeds of the sale (after defraying thereout the expenses of the sale) be paid into Court to the credit of this suit, and applied, first, in payment to the plaintiff of the said sum of Rs. *x* and such subsequent interest and costs as may be allowed by the Court; secondly, in payment to the first defendant of the said sum of Rs. *y* and such subsequent interest and costs as aforesaid; and that the balance, if any, be paid to the second defendant.

(3) That in case the defendants or either of them shall pay the said sum of Rs. *x* as aforesaid, he or they shall be at liberty to apply to the Court that the plaintiff's mortgage may be kept alive for the benefit of the person making the said payment or otherwise as he or they may be advised.

(4) That if the net proceeds of the sale are insufficient to pay the said sum of Rs. *x* and such subsequent interest and costs in full, the plaintiff shall be at liberty to apply for a personal decree for the amount of the balance.

No. 8.

DECREE FOR SALE.—SECOND MORTGAGEE *v.* FIRST MORTGAGEE AND MORTGAGOR.—ONE PERIOD FOR REDEMPTION.

(*Title.*)

[Insert declarations of the amounts due to the plaintiff Rs. *y* and to the first defendant Rs. *x* as in Form No. 7.]

And it is decreed as follows:—

(1) That if the plaintiff or the second defendant pays into Court the said sum of Rs. *x* on or before the said day of 19 , the first defendant shall deliver up, etc., (as in Form No. 4).

(*a*) Insert a day within six months from the date of decree.
(*b*) Insert a day within three months from the date mentioned in (*a*).

Appendix D. Form Nos. 9 and 10.

(2) That if payment of the said sum is not made on or before the day of 19 , the first defendant shall be at liberty to apply that the suit be dismissed or for the sale of the mortgaged property; and in case he shall apply for a sale the mortgaged property or a sufficient part thereof shall be sold free from the incumbrances of the plaintiff and first defendant, and the proceeds of the sale (after defraying thereout the expenses of the sale) shall be paid into Court and applied, first, in payment to the first defendant of the said sum of Rs. *x* and such subsequent interest and costs as may be allowed by the Court: secondly, in payment to the plaintiff of the said sum of Rs. *y* and such subsequent interest and costs as aforesaid: and that the balance, if any, be paid to the second defendant.

(3) That if the plaintiff shall pay the said sum of Rs. *x* into Court on or before the day of 19 , the second defendant shall be at liberty to pay into Court the said sum and the sum of Rs. *y* on or before the day of 19 , and thereupon the plaintiff shall deliver up, etc., (as in Form No. 4).

(4) That if the plaintiff shall pay the said sum as aforesaid but the second defendant shall fail to pay the said sums as aforesaid the mortgaged property or a sufficient part thereof shall be sold, and the proceeds of the sale (after defraying thereout the expenses of the sale) shall be applied in payment to the plaintiff of the said sums of Rs. *x* and Rs. *y* and such subsequent interest and costs as may be allowed by the Court, and that the balance, if any, be paid to the second defendant.

(5) That if the net proceeds of the sale are insufficient to pay the said sums, interest and costs in full, the plaintiff shall be at liberty to apply for a personal decree for the amount of the balance.

No. 9.

DECREE FOR SALE.—SUB-MORTGAGEE *v.* MORTGAGEE AND MORTGAGOR, THE AMOUNT OF THE ORIGINAL MORTGAGE EXCEEDING THAT OF THE SUB-MORTGAGE.

(*Title.*)

[Insert declarations of the amounts due to the plaintiff Rs. *x* and to the first-defendant Rs. *y* as in Form No. 7.]

And it is decreed as follows:—

(1) The first defendant and the second defendant shall be at liberty to pay into Court the said sums of Rs. *x* and Rs. *y* respectively on or before the day of 19 , and upon either of the said payments being made the plaintiff shall deliver up, etc. (as in Form No. 4), and thereupon the sum of Rs. *x* shall be paid to the plaintiff.

(2) In the event of payment by the second defendant as aforesaid the first-defendant shall also deliver up, etc. (as in Form No. 4), and thereupon the residue (after payment to the plaintiff as aforesaid) shall be paid to the first defendant.

(3) In default of payment by the first and second defendants as aforesaid the mortgaged property or a sufficient part thereof shall be sold, and the proceeds of the sale (after deducting thereout the expenses of the sale) shall be paid into Court and applied first in payment to the plaintiff of the said sum of Rs. *x* and such subsequent interest and costs as may be allowed by the Court (but so that the aggregate amount of principal and interest shall not exceed the amount of principal and interest due to the first defendant); secondly, in payment to the first defendant of the excess of Rs. *y* over Rs. *x* and such subsequent interest and costs as aforesaid; and that the balance, if any, be paid to the second defendant.

(4) In the event of payment by the first defendant and in default of payment by the second defendant as aforesaid, the first defendant shall be at liberty to apply for the sale of the mortgaged property, and thereupon the same or a sufficient part thereof shall be sold, and the net sale-proceeds shall be applied in payment to the first defendant of the said sum of Rs. *y* and such further interest and costs as may be allowed by the Court, and the balance, if any, shall be paid to the second defendant.

(5) That if the net proceeds of the sale are insufficient to pay the aforesaid sums with further interest and costs the plaintiff or the first defendant, as the case may be, shall be at liberty to apply for a personal decree for the amount of the balance.

No. 10.

FINAL DECREE FOR FORECLOSURE. (O. 34, r. 3.)

(*Title.*)

Upon reading the decree passed in the above suit on the day of 19 , and the application of the plaintiff dated the day of 19 and after hearing pleader for the plaintiff and pleader for the defendant, and it appearing that the payment directed by the said decree has not been made:

It is hereby decreed as follows:—

That the defendant and all persons claiming through or under him be debarred from all right to redeem the mortgaged property set out and described in the schedule hereunto annexed. [Where the defendant is in possession add *and shall put the plaintiff in possession of the said property.*]

Schedule.

Description of the mortgaged property.

No. 11.

DECREE AGAINST MORTGAGOR PERSONALLY. (O. 34, r. 6.)

(*Title.*)

Whereas the net proceeds of the sale held under the final decree for sale passed in this suit on the day of 19 , and now in Court to the credit of this suit, amount to Rs. *y*, and there is now due to the plaintiff the sum of Rs. *x* mentioned in the said decree together with the further sum of Rs. interest thereon at the rate of 6 per cent per annum from the day of 19 to this day, and also the sum of Rs. for his costs of this suit subsequent to the decree, making a balance due to the plaintiff of Rs. *z*; And whereas it appears to this Court that the defendant is personally liable for the said balance.

It is hereby decreed as follows:—

(1) That the said sum of Rs. *y* be paid out of Court to the plaintiff.

(2) That the defendant do pay to the plaintiff the said sum of Rs. *z* with interest thereon at the rate of 6 per cent per annum from this day to the date of realization of the said sum.

No. 12.

DECREE FOR RECTIFICATION OF INSTRUMENT.

(*Title.*)

It is hereby declared that the , dated the day of 19 , does not truly express the intention of the parties to such

And it is decreed that the said be rectified by

No. 13.

DECREE TO SET ASIDE A TRANSFER IN FRAUD OF CREDITORS.

(*Title.*)

It is hereby declared that the , dated the day of 19 , and made between and is void as against the plaintiff and all the other creditors, if any, of the defendant

---

No. 14.

INJUNCTION AGAINST PRIVATE NUISANCE.

(*Title.*)

Let the defendant , his agents, servants and workmen, be perpetually restrained from burning, or causing to be burnt, any bricks on the defendant's plot of land marked B in the annexed plan, so as to occasion a nuisance to the plaintiff as the owner or occupier of the dwelling-house and garden mentioned in the plaint as belonging to and being occupied by the plaintiff.

No. 15.

INJUNCTION AGAINST BUILDING HIGHER THAN OLD LEVEL.

(*Title.*)

Let the defendant , his contractors, agents and workmen, be perpetually restrained from continuing to erect upon his premises in any house or building of a greater height than the buildings which formerly stood upon his said premises and which have been recently pulled down, so or in such manner as to darken, injure or obstruct such of the plaintiff's windows in his said premises as are ancient lights.

No. 16.

INJUNCTION RESTRAINING USE OF PRIVATE ROAD.

(*Title.*)

Let the defendant , his agents, servants and workmen, be perpetually restrained from using or permitting to be used any part of the lane at , the soil of which belongs to the plaintiff, as a carriage-way for the passage of carts, carriages or other vehicles, either going to or from the land marked B in the annexed plan or for any purpose whatsoever.

Appendix D Form Nos. 17 and 18.

No. 17.

PRELIMINARY DECREE IN AN ADMINISTRATION-SUIT.

(*Title.*)

It is ordered that the following accounts and inquiries be taken and made; that is to say:—

In creditor's suit—

1. That an account be taken of what is due to the plaintiff and all the other creditors of the deceased.

In suits by legatees—

2. An account be taken of the legacies given by the testator's will.

In suits by next-of-kin—

3. An inquiry be made and account taken of what, or of what share, if any, the plaintiff is entitled to as next-of-kin [*or* one of the next-of-kin] of the intestate.

[After the first paragraph, the decree will, where necessary, order, in a creditor's suit, inquiry and accounts for legatees, heirs-at-law and next-of-kin. In suits by claimants other than creditors after the first paragraph, in all cases, an order to inquire and take an account of creditors will follow the first paragraph and such of the others as may be necessary will follow, omitting the first formal words. The form is contained as in a creditor's suit.]

4. An account of the funeral and testamentary expenses.

5. An account of the movable property of the deceased come to the hands of the defendant, or to the hands of any other person by his order or for his use.

6. Any inquiry what part (if any) of the movable property of the deceased is outstanding and undisposed of.

7. And it is further ordered that the defendant do, on or before the day of next, pay into Court all sums of money which shall be found to have come to his hands, or to the hands of any person by his order or for his use.

8. And that if the *shall find it necessary for carrying out the objects of the suit to sell any part of the movable property of the deceased, that the same be sold accordingly, and the proceeds paid into Court.

9. And that Mr. E. F. be receiver in the suit (*or* proceeding), and receive and get in all outstanding debts and outstanding movable property of the deceased, and pay the same into the hands of the *(and shall give security by bond for the due performance of his duties to the amount of rupees).

10. And it is further ordered that if the movable property of the deceased be found insufficient for carrying out the objects of the suit, then the following further inquiries be made, and accounts taken, that is to say—

(*a*) an inquiry what immovable property the deceased was seized of or entitled to at the time of his death;

(*b*) an inquiry what are the incumbrances (if any) affecting the immovable property of the deceased or any part thereof;

(*c*) an account, so far as possible, of what is due to the several incumbrancers, and to include a statement of the priorities of such of the incumbrancers as shall consent to the sale hereinafter directed.

11. And that the immovable property of the deceased, or so much thereof as shall be necessary to make up the fund in Court sufficient to carry out the object of the suit, be sold with the approbation of the Judge, free from incumbrances (if any) of such incumbrancers as shall consent to the sale and subject to the incumbrances of such of them as shall not consent.

12. And it is ordered that G. H. shall have the conduct of the sale of the immovable property and shall prepare the conditions and contracts of sale subject to the approval of the *and that in case any doubt or difficulty shall arise the papers shall be submitted to the Judge to settle.

13. And it is further ordered that, for the purpose of the inquiries hereinbefore directed, the *shall advertise in the newspapers according to the practice of the Court, or shall make such inquiries in any other way which shall appear to the *to give the most useful publicity to such inquiries.

14. And it is ordered that the above inquiries and accounts be made and taken, and that all other acts ordered to be done be completed, before the day of , and that the *do certify the result of the inquiries and the accounts, and that all other acts ordered are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

15. And lastly, it is ordered that this suit [*or* proceeding] stand adjourned for making final decree to the day of

[Such part only of this decree is to be used as is applicable to the particular case.]

No. 18.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE.

(*Title.*)

1. It is ordered that the defendant do, on or before the day of pay into Court the sum of Rs. , the balance

* Here insert name of proper officer.

by the said certificate found to be due from the said defendant on account of the estate of , the testator, and also the sum of Rs. for interest, at the rate of Rs. per cent, per annum, from the day of to the day of , amounting together to the sum of Rs.

2. Let the *of the said Court tax the cost of the plaintiff and defendant in this suit, and let the amount of the said costs, when so taxed, be paid out of the said sum of Rs. ordered to be paid into Court as aforesaid, as follows:—

(*a*) The costs of the plaintiff to Mr. , his advocate [*or* pleader] *or*, and the costs of the defendant to Mr. his advocate [*or* pleader].

(*b*) And (*if any debts are due*) with the residue of the said sum of Rs. after payment of the plaintiff's and defendant's costs as aforesaid, let the sums, found to be owing to the several creditors mentioned in the schedule to the certificate, of the *together with subsequent interest on such of the debts as bear interest, be paid; and, after making such payments, let the amount coming to the several legatees mentioned in the schedule, together with subsequent interest (to be verified as aforesaid), be paid to them.

3. And if there should then be any residue, let the same be paid to the residuary legatee.

No. 19.

PRELIMINARY DECREE IN AN ADMINISTRATION-SUIT BY A LEGATEE, WHERE AN EXECUTOR IS HELD PERSONALLY LIABLE FOR THE PAYMENT OF LEGACIES.

(*Title.*)

1. It is declared that the defendant is personally liable to pay the legacy of Rs. bequeathed to the plaintiff;

2. And it is ordered that an account be taken of what is due for principal and interest on the said legacy;

3. And it is also ordered that the defendant do, within weeks after the date of the certificate of the pay to the plaintiff the amount of what the *shall certify to be due for principal and interest;

4. And it is ordered that the defendant do pay the plaintiff his costs of suit, the same to be taxed in case the parties differ.

No. 20.

FINAL DECREE IN AN ADMINISTRATION-SUIT BY NEXT-OF-KIN.

(*Title.*)

1. Let the *of the said Court tax the costs of the plaintiff and defendant in this suit, and let the amount of the said plaintiff's costs, when so taxed, be paid by the defendant to the plaintiff out of the sum of Rs. , the balance by the said certificate found to be due from the said defendant on account of the personal estate of E. F., the intestate, within one week after the taxation of the said costs by the said *and let the defendant retain for her own use out of such sum her costs, when taxed.

2. And it is ordered that the residue of the said sum of Rs. , after payment of the plaintiff's and defendant's costs as aforesaid, be paid and applied by defendant as follows:—

(*a*) Let the defendant, within one week after the taxation of the said costs by the *as aforesaid, pay one-third share of the said residue to the plaintiffs A.B., and C.D., his wife, in her right as the sister and one of the next-of-kin of the said E. F., the intestate.

(*b*) Let the defendant retain for her own use one other third share of the said residue, as the mother and one of the next-of-kin of the said E. F., the intestate.

(*c*) And let the defendant, within one week after the taxation of the said costs by the *as aforesaid, pay the remaining one-third share of the said residue to G. H., as the brother and the other next-of-kin of the said E. F., the intestate.

No. 21.

PRELIMINARY DECREE IN A SUIT FOR DISSOLUTION OF PARTNERSHIP AND THE TAKING OF PARTNERSHIP ACCOUNTS.

(*Title.*)

It is declared that the proportionate shares of the parties in the partnership are as follows:—

---

* Here insert name of proper officer.

It is declared that this partnership shall stand dissolved [or shall be deemed to have been dissolved] as from the day of , and it is ordered that the dissolution thereof as from that day be advertised in the Gazette, etc.

And it is ordered that be the receiver of the partnership-estate and effects in this suit and do get in all the outstanding book-debts and claims of the partnership.

And it is ordered that the following accounts be taken :—

1. An account of the credits, property and effects now belonging to the said partnership ;

2. An account of the debts and liabilities of the said partnership ;

3. An account of all dealings and transactions between the plaintiff and defendant, from the foot of the settled account exhibited in this suit and marked (A), and not disturbing any subsequent settled accounts.

And it is ordered that the good-will of the business heretofore carried on by the plaintiff and defendant as in the plaint mentioned, and the stock-in-trade, be sold on the premises, and that the *may, on the application of any of the parties, fix a reserved bidding for all or any of the lots at such sale, and that either of the parties is to be at liberty to bid at the sale.

And it is ordered that the above accounts be taken, and all the other acts required to be done be completed, before the day of , and that the *do certify the result of the accounts, and that all other acts are completed, and have his certificate in that behalf ready for the inspection of the parties on the day of

And, lastly, it is ordered that this suit stand adjourned for making a final decree to the day of

---

No. 22.

FINAL DECREE IN A SUIT FOR DISSOLUTION OF PARTNERSHIP AND THE TAKING OF PARTNERSHIP ACCOUNTS.

(Title.)

It is ordered that the fund now in Court, amounting to the sum of Rs. be applied as follows :—

1. In payment of the debts due by the partnership set forth in the certificate of the *amounting in the whole to Rs.

2. In payment of the costs of all parties in this suit, amounting to Rs.

[*These costs must be ascertained before the decree is drawn up.*]

3. In payment of the sum of Rs. to the plaintiff as his share of the partnership-assets, of the sum of Rs. , being the residue of the said sum of Rs. now in Court, to the defendant as his share of the partnership-assets.

[*Or*, And that the remainder of the said sum of Rs. be paid to the said plaintiff [*or* defendant] in part payment of the sum of Rs. certified to be due to him in respect of the partnership-accounts.]

4. And that the defendant [*or* plaintiff] do on or before the day of pay to the plaintiff [*or* defendant] the sum of Rs. being the balance of the said sum of Rs. due to him, which will then remain due.

No. 23.

DECREE FOR RECOVERY OF LAND AND MESNE PROFITS.

(Title.)

It is hereby decreed as follows :—

(1) That the defendant do put the plaintiff in possession of the property specified in the schedule hereunto annexed.

(2) That the defendant do pay to the plaintiff the sum of Rs. with interest thereon at the rate of per cent per annum to the date of realization on account of mesne profits which have accrued due prior to the institution of the suit.

Or

(2) That an inquiry be made as to the amount of mesne profits which have accrued due prior to the institution of the suit.

(3) That an inquiry be made as to the amount of mesne profits from the institution of the suit until [the delivery of possession to the decree-holder] [the relinquishment of possession by the judgment-debtor with notice to the decree-holder through the Court] [the expiration of three years from the date of the decree].

Schedule.

---

* Here insert name of proper officer.

APPENDIX E.

EXECUTION.

No. 1.

NOTICE TO SHOW CAUSE WHY A PAYMENT OR ADJUSTMENT SHOULD NOT BE RECORDED AS CERTIFIED. (O. 21, r. 2.)

(*Title.*)

To

WHEREAS in execution of the decree in the above-named suit has applied to this Court that the sum of Rs. recoverable under the decree has been $\frac{\text{paid}}{\text{adjusted}}$ and should be recorded as certified, this is to give you notice that you are to appear before this Court on the day of 19 , to show cause why the $\frac{\text{payment}}{\text{adjustment}}$ aforesaid should not be recorded as certified.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 2.

PRECEPT. (Section 46.)

(*Title.*)

UPON hearing the decree-holder it is ordered that this precept be sent to the Court of at under Section 46 of the Code of Civil Procedure, 1911, with directions to attach the property specified in the annexed schedule and to hold the same pending any application which may be made by the decree-holder for execution of the decree.

Schedule.

Dated the day of 19 .

Judge.

No. 3.

ORDER SENDING DECREE FOR EXECUTION TO ANOTHER COURT. (O. 21, r. 6.)

(*Title.*)

WHEREAS the decree-holder in the above suit has applied to this Court for a certificate to be sent to the Court of at for execution of the decree in the above suit by the said Court, alleging that the judgment-debtor resides or has property within the local limits of the jurisdiction of the said Court, and it is deemed necessary and proper to send a certificate to the said Court under Order XXI, rule 6, of the Code of Civil Procedure, 1911, it is

Ordered:

That a copy of this order be sent to with a copy of the decree and of any order which may have been made for execution of the same and a certificate of non-satisfaction.

Dated the day of 19 .

Judge.

No. 4.

CERTIFICATE OF NON-SATISFACTION OF DECREE. (O. 21, r. 6.)

(*Title.*)

Certified that no (1) satisfaction of the decree of this Court in Suit No. of 19 , a copy which is hereunto attached, has been obtained by execution within the jurisdiction of this Court.

Dated the day of 19 .

Judge.

(1) If partial, strike out "no" and state to what extent.

Appendix E. Form Nos. 5 and 6.

No. 5.

CERTIFICATE OF EXECUTION OF DECREE TRANSFERRED TO ANOTHER COURT. (O. 21, r. 6.)

(*Title.*)

Number of suit and the Court by which the decree was passed	Names of parties	Date of application for execution	Number of the execution case	Processes issued and dates of service thereof	Costs of execution	Amount realized	How the case is disposed of	Remarks
1	2	3	4	5	6	7	8	9
					Rs. a. p.	Rs. a. p.		

Signature of Muhorrir in charge *Signature of Judge.*

No. 6.

APPLICATION FOR EXECUTION OF DECREE. (O. 21, r. 11.)

In the Court of

I , decree-holder, hereby apply for execution of the decree herein below set forth.

No. of suit	Names of parties	Date of decree	Whether any appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the Court is required
1	2	3	4	5	6	7	8	9	10
789 of 1897.	A. B.—Plaintiff. ... ... C. D.—Defendant.	October 11th 1897.	No.	None.	Rs. 72-4-0 recorded on application, dated the 4th March 1899.	Rs. 314-8-2 principal [interest at 6 per cent per annum, from date of decree till payment].	Rs. a. p. As awarded in the decree ... 47 10 4 Subsequently incurred ... 8 2 0 Total ... 55 12 4	Against the defendant C. D.	[When attachment and sale of movable property is sought.] I pray that the total amount of Rs. [together with interest on the principal sum up to date of payment] and the costs of taking out this execution, be realized by attachment and sale of defendant's movable property as per annexed list and paid to me. [When attachment and sale of immovable property is sought.] I pray that the total amount of Rs. [together with interest on the principal sum up to date of payment] and the costs of taking out this execution be realized by the attachment and sale of defendant's immovable property specified at the foot of this application and paid to me.

Appendix E. Form Nos. 7—9.

I declare that what is stated herein is true to the best of my knowledge and belief.

Dated the day of 19 . *Signed* *Decree-holder.*

[When attachment and sale of immovable property is sought:]

Description and specification of property.

The undivided one-third share of the judgment-debtor in a house situated in the village of value Rs. 40 and bounded as follows:—

East by G's house; west by H's house; south by public road; north by private lane and J's house.

I declare that what is stated in the above description is true to the best of my knowledge and belief, and so far as I have been able to ascertain the interest of the defendant in the property therein specified.

Signed *Decree-holder.*

No. 7.

NOTICE TO SHOW CAUSE WHY EXECUTION SHOULD NOT ISSUE. (O. 21, r. 22.)

(*Title.*)

To

WHEREAS has made application to this Court for execution of decree in Suit No. of 19 , on the allegation that the said decree has been transferred to him by assignment, this is to give you notice that you are to appear before this Court on the day of 19 , to show cause why execution should not be granted.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 8.

WARRANT OF ATTACHMENT OF MOVABLE PROPERTY IN EXECUTION OF A DECREE FOR MONEY. (O. 21, r. 30.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS was ordered by decree of this Court passed on the day of 19 , in Suit No. of 19 , to pay to the plaintiff the sum of Rs. as noted in the margin; and whereas the said sum of Rs. has not been paid; these are to command you to attach the movable property of the said as set forth in the schedule hereunto annexed, or which shall be pointed out to you by the said , and unless the said shall pay to you the said sum of Rs. together with Rs. the cost of this attachment, to hold the same until further orders from this Court.

Decree	...		
Principal	...	...	
Interest	...	...	
Costs	...	...	
Costs of execution		...	
Further interest		...	
Total		...	

You are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the day on which and manner in which it has been executed, or why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

Judge.

No. 9.

WARRANT FOR SEIZURE OF SPECIFIC MOVABLE PROPERTY ADJUDGED BY DECREE. (O. 21, r. 31.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS was ordered by decree of this Court passed on the day of 19 , in Suit No. of 19 , to deliver to the plaintiff the movable property (*or* a share in the movable property) specified in the schedule hereunto annexed, and whereas the said property (*or* share) has not been delivered.

These are to command you to seize the said movable property (*or* a share of the said movable property) and to deliver it to the plaintiff or to such person as he may appoint in his behalf.

Appendix E Form Nos. 10—13.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

No. 10.

NOTICE TO STATE OBJECTIONS TO DRAFT OF DOCUMENT. (O. 21, r. 34.)

(Title.)

To

TAKE notice that on the day of 19 , the decree-holder in the above suit presented an application to this Court that the Court may execute on your behalf a deed of , whereof a draft is hereunto annexed, of the immovable property specified hereunder, and that the day of 19 is appointed for the hearing of the said application; and that you are at liberty to appear on the said day and to state in writing any objections to the said draft.

Description of property.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 11.

WARRANT TO THE BAILIFF TO GIVE POSSESSION OF LAND, ETC.

(O 21, r. 35.)

(Title.)

To

The Bailiff of the Court.

WHEREAS the undermentioned property in the occupancy of has been decreed to , the plaintiff in this suit; you are hereby directed to put the said in possession of the same, and you are hereby authorized to remove any person bound by the decree who may refuse to vacate the same.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

Judge.

No. 12.

NOTICE TO SHOW CAUSE WHY WARRANT OF ARREST SHOULD NOT ISSUE. (O. 21, r. 37.)

(Title.)

To

WHEREAS has made application to this Court for execution of decree in suit No. of 19 by arrest and imprisonment of your person, you are hereby required to appear before this Court on the day of 19 , to show cause why you should not be committed to the civil prison in execution of the said decree.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 13.

WARRANT OF ARREST IN EXECUTION. (O. 21, r. 38.)

(Title.)

To

The Bailiff of the Court.

WHEREAS was adjudged by a decree of the Court in Suit No. of 19 , dated the day of 19 , to pay to the decree-holder the sum of Rs. as noted in the margin and whereas the said sum of Rs. has not been paid to the said decree-holder in satisfaction of the said decree, these are to command you to arrest the said judgment-debtor and unless the said judgment-debtor shall pay to you the said sum of Rs. together with Rs. for the costs of executing this process, to bring the said defendant before the Court with all convenient speed. You are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the day on which and manner in which it has been executed, or the reason why it has not been executed.

Principal	...		
Interest	...		
Costs	...		
Execution	...		
Total	...		

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 14.

WARRANT OF COMMITTAL OF JUDGMENT-DEBTOR TO JAIL. (O. 21, r. 40.)

(Title.)

To

The Officer in charge of the Jail at

WHEREAS has been brought before this Court this day of 19 , under a warrant in execution of a decree which was made and pronounced by the said Court on the day of 19 , and by which decree it was ordered that the said should pay . And whereas the said has not obeyed the decree, nor satisfied the Court that he is entitled to be discharged from custody; You are hereby, in the name of His Highness the Maharaja, commanded and required to take and receive the said into the civil prison and keep him imprisoned therein for a period not exceeding or until the said decree shall be fully satisfied, or the said shall be otherwise entitled to be released according to the terms and provisions of section 58 of the Code of Civil Procedure, 1911 ; and the Court does hereby fix annas per diem as the rate of the monthly allowance for the subsistence of the said during his confinement under this warrant of committal.

GIVEN under my signature and the seal of this Court, this day of 19 .

Judge.

No. 15.

ORDER FOR THE RELEASE OF A PERSON IMPRISONED IN EXECUTION OF A DECREE.

(Sections 58, 59.)

(Title.)

To

The Officer in charge of the Jail at

UNDER orders passed this day, you are hereby directed to set free judgment-debtor now in your custody.

Dated

Judge.

No. 16.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY TO BE ATTACHED CONSISTS OF MOVABLE PROPERTY TO WHICH THE DEFENDANT IS ENTITLED SUBJECT TO A LIEN OR RIGHT OF SOME OTHER PERSON TO THE IMMEDIATE POSSESSION THEREOF. (O. 21, r. 46.)

(Title.)

To

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in Suit No. of 19 , in favor of for Rs. ; It is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from the following property in the possession of the said that is to say, , to which the defendant is entitled, subject to any claim of the said , and the said is hereby prohibited and restrained, until the further order of this Court, from delivering the said property to any person or persons whomsoever.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 17.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF DEBTS NOT SECURED BY NEGOTIABLE INSTRUMENTS. (O. 21, r. 46.)

(Title.)

To

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in Suit No. of 19 , in favor of

for Rs. ; It is ordered that the defendant be, and is hereby, prohibited and restrained, until the further order of this Court, from receiving from you a certain debt alleged now to be due from you to the said defendant, namely,
and that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from making payment of the said debt, or any part thereof, to any person whomsoever or otherwise than into this Court.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 18.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF SHARES IN THE CAPITAL OF A CORPORATION. (O. 21, r. 46.)

(Title.)

To defendant, and to , Secretary of corporation.

WHEREAS has failed to satisfy a decree passed against on the day of 19 , in Suit No. of 19 , in favor of , for Rs. ; It is ordered that you, the defendant, be, and you are hereby, prohibited and restrained, until the further order of this Court, from making any transfer of shares in the aforesaid corporation, namely, or from receiving payment of any dividends thereon; and you, , the Secretary of the said Corporation, are hereby prohibited and restrained from permitting any such transfer or making any such payment.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 19.

ORDER TO ATTACH SALARY OF PUBLIC OFFICER OR SERVANT OF RAILWAY COMPANY OR LOCAL AUTHORITY. (O. 21, r. 48.)

(Title.)

To

WHEREAS , judgment-debtor in the above-named case, is a (*describe office of judgment-debtor*) receiving his salary (*or* allowances) at your hands; and whereas , decree-holder in the said case, has applied in this Court for the attachment of the salary (*or* allowances) of the said to the extent of due to him under the decree; You are hereby required to withhold the said sum of from the salary of the said in monthly instalments of and to remit the said sum (*or* monthly instalments) to this Court.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 20.

ORDER OF ATTACHMENT OF NEGOTIABLE INSTRUMENT. (O. 21, r. 51.)

(Title.)

To

The Bailiff of the Court.

WHEREAS an order has been passed by this Court on the day of 19 , for the attachment of ; You are hereby directed to seize the said and bring the same into Court.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 21.

ATTACHMENT.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF MONEY OR OF ANY SECURITY IN THE CUSTODY OF A COURT OF JUSTICE OR OFFICER OF GOVERNMENT. (O. 21, r. 52.)

(Title.)

To

SIR,

The plaintiff having applied, under rule 22 of Order XXI of the Code of Civil Procedure, 1911, for an attachment of certain money now in your hands (*here state how the money is supposed to be in the hands of the person addressed, on what account, etc.*)

I request that you will hold the said money subject to the further order of this Court.

I have the honor to be,
Sir,
Your most obedient servant,

Judge.

Dated the day of 19 .

No. 22.

NOTICE OF ATTACHMENT OF A DECREE TO THE COURT WHICH PASSED IT. (O. 21, r. 53.)

(*Title.*)

To

The Judge of the Court of

SIR,

I have the honor to inform you that the decree obtained in your Court on the day of 19 , by in Suit No. of 19 , in which he was and has been attached by this Court on the application of the in the suit specified above. You are therefore requested to stay the execution of the decree of your Court until you receive an intimation from this Court that the present notice has been cancelled or until execution of the said decree is applied for by the holder of the decree now sought to be executed or by his judgment-debtor.

I have the honor, etc.,

Judge.

Dated the day of 19 .

No. 23.

NOTICE OF ATTACHMENT OF A DECREE TO THE HOLDER OF THE DECREE. (O. 21, r. 53.)

(*Title.*)

To

WHEREAS an application has been made in this Court by the decree-holder in the above suit for the attachment of a decree obtained by you on the day of 19 , in the Court of in Suit No. of 19 , in which was and was ; It is ordered that you, the said , be, and you are hereby, prohibited and restrained, until the further order of this Court, from transferring or charging the same in any way.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 24.

ATTACHMENT IN EXECUTION.

PROHIBITORY ORDER, WHERE THE PROPERTY CONSISTS OF IMMOVABLE PROPERTY. (O. 21, r. 54.)

(*Title.*)

To

Defendant.

WHEREAS you have failed to satisfy a decree passed against you on the day of 19 , in Suit No. of 19 , in favor of , for Rs. ; It is ordered that you, the said , be and you are hereby prohibited and restrained, until the further order of this Court, from transferring or charging the property specified in the schedule hereunto annexed, by sale, gift or otherwise, and that all persons be, and that they are hereby, prohibited from receiving the same by purchase, gift or otherwise.

GIVEN under my hand and the seal of the Court, this day of 19 .

Schedule.

Judge.

Appendix E Form Nos. 25—29.

No. 25.

ORDER FOR PAYMENT TO THE PLAINTIFF, ETC., OF MONEY, ETC., IN THE HANDS OF A THIRD PARTY. (O. 21, r. 56.)

(*Title.*)

To

WHEREAS the following property has been attached in execution of a decree in Suit No. of 19 , passed on the day of 19 , in favour of , for Rs. — ;

It is ordered that the property so attached, consisting of Rs. in money and Rs. in currency-notes, or a sufficient part thereof to satisfy the said decree, shall be paid over by you, the said , to

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 26.

NOTICE TO ATTACHING CREDITOR. (O. 21, r. 58.)

(*Title.*)

To

WHEREAS has made application to this Court for the removal of attachment on placed at your instance in execution of the decree in Suit No. of 19 ; this is to give you notice to appear before this Court on , the day of 19 , either in person or by a pleader of the Court duly instructed to support your claim, as attaching creditor.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 27.

WARRANT OF SALE OF PROPERTY IN EXECUTION OF A DECREE FOR MONEY. (O. 21, r. 66.)

(*Title.*)

To

The Bailiff of the Court.

THESE are to command you to sell by auction, after giving days' previous notice, by affixing the same in this Court-house, and after making due proclamation, the property attached under a warrant from this Court, dated the day of 19 , in execution of a decree in favor of in Suit No. of 19 , or so much of the said property as shall realize the sum of Rs. being the of the said decree and costs still remaining unsatisfied.

You are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 29.

PROCLAMATION OF SALE. (O. 21, r. 66.)

(*Title.*)

Notice is hereby given that, under rule 64 of Order XXI of the Code of Civil Procedure, 1911, an order has been passed by this Court for the sale of the attached property mentioned in the annexed schedule, in satisfaction of the claim of the decree-holder in the suit (i) mentioned in the margin, amounting with costs and interest up to date of sale to the sum of .

(i) Suit No. of 19 , decided by the of in which was plaintiff and was defendant.

The sale will be by public auction, and the property will be put up for sale in the lots specified in the schedule. The sale will be of the property of the judgment-debtors above named as mentioned in the schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the schedule against each lot.

In the absence of any order of postponement, the sale will be held by at the monthly sale commencing at o'clock on the at . In the event, however, of the debt above specified and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale the public generally are invited to bid, either personally or by duly authorized agent. No bid by, or on behalf of, the judgment-creditors above mentioned,

Appendix E Form No. 30.

however, will be accepted, nor will any sale to them be valid without the express permission of the Court previously given. The following are the further

Conditions of sale.

1. The particulars specified in the schedule below have been stated to the best of the information of the Court, but the Court will not be answerable for any error, mis-statement or omission in this proclamation.

2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.

3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Court or officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it subject always to the provisions of rule 69 of Order XXI.

5. In the case of movable property, the price of each lot shall be paid at the time of sale or as soon after as the officer holding the sale directs, and in default of payment the property shall forthwith be again put up and resold.

6. In the case of immovable property, the person declared to be the purchaser shall pay immediately after such declaration a deposit of 25 per cent on the amount of his purchase money to the officer conducting the sale, and in default of such deposit the property shall forthwith be put up again and resold.

7. The full amount of the purchase money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day, or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.

8. In default of payment of the balance of purchase money within the period allowed, the property shall be resold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, may, if the Court thinks fit, be forfeited to Government and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Schedule of property.

No. of lot	Description of property to be sold, with the name of each owner where there are more judgment-debtors than one.	The revenue assessed upon the estate or part of the estate, if the property to be sold is an interest in an estate or a part of an estate paying revenue to Government.	Detail of any incumbrances to which the property is liable.	Claims, if any, which have been put forward to the property, and any other known particulars bearing on its nature and value.

No. 30.

ORDER ON THE NAZIR FOR CAUSING SERVICE OF PROCLAMATION OF SALE. (O. 21, r. 66.)

(*Title.*)

To

The Nazir of the Court.

WHEREAS an order has been made for the sale of the property of the judgment-debtor specified in the schedule hereunder annexed, and whereas the day of 19 has been fixed for the sale of the said property, copies of the proclamation of sale are by this warrant made over to you, and you are hereby ordered to have the proclamation published by beat of drum within each of the properties specified in the said schedule, to affix a copy of the said proclamation on a conspicuous part of each of the said properties and afterwards on the Court-house, and then to submit to this Court a report showing the dates on which and the manner in which the proclamations have been published.

Dated the day of 19 .

Judge.

Schedule.

Appendix E Form Nos. 31—35.

No. 31.

CERTIFICATE BY OFFICER HOLDING A SALE OF THE DEFICIENCY OF PRICE ON A RESALE OF PROPERTY BY REASON ON THE PURCHASER'S DEFAULT. (O. 21, r. 71.)

(Title.)

Certified that at the resale of the property in execution of the decree in the abovenamed suit, in consequence of default on the part of purchaser, there was a deficiency in the price of the said property amounting to Rs. and that the expenses attending such resale amounted to Rs. , making a total of Rs. , which sum is recoverable from the defaulter.

Dated the day of 19 .

Officer holding the sale.

No. 32.

NOTICE TO PERSON IN POSSESSION OF MOVABLE PROPERTY SOLD IN EXECUTION. (O. 21, r. 79.)

(Title.)

To

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of now in your possession, you are hereby prohibited from delivering possession of the said to any person except the said

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 33.

PROHIBITORY ORDER AGAINST PAYMENT OF DEBTS SOLD IN EXECUTION TO ANY OTHER THAN THE PURCHASER. (O. 21, r. 79.)

(Title.)

To and to

WHEREAS has become the purchaser at a public sale in execution of the decree in the above suit of being debts due from you to you ;

It is ordered that you be, and you are hereby, prohibited from receiving, and you from making payment of, the said debt to any person or persons except the said

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 34.

PROHIBITORY ORDER AGAINST THE TRANSFER OF SHARES SOLD IN EXECUTION. (O. 21, r. 79.)

(Title.)

To

and , Secretary of Corporation.

WHEREAS has become the purchaser at a public sale in execution of the decree, in the above suit, of certain shares in the above Corporation, that is to say, of standing in the name of you ; It is ordered that you be, and you are hereby, prohibited from making any transfer of the said shares to any person except the said , the purchaser aforesaid, or from receiving any dividends thereon and you Secretary of the said Corporation, from permitting any such transfer or making any such payment to any person except the said , the purchaser aforesaid.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 35.

CERTIFICATE TO JUDGMENT-DEBTOR AUTHORIZING HIM TO MORTGAGE, LEASE OR SELL PROPERTY. (O. 21, r. 83.)

(Title.)

WHEREAS in execution of the decree passed in the above suit an order was made on the day of 19 for the sale of the

undermentioned property of the judgment-debtor , and whereas the Court has, on the application of the said judgment-debtor, postponed the said sale to enable him to raise the amount of the decree by mortgage, lease or private sale of the said property or of some part thereof:

This is to certify that the Court doth hereby authorize the said judgment-debtor to make the proposed mortgage, lease or sale within a period of from the date of this certificate; provided that all moneys payable under such mortgage, lease or sale shall be paid into this Court and not to the said judgment-debtor.

Description of property.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 36.

NOTICE TO SHOW CAUSE WHY SALE SHOULD NOT BE SET ASIDE. (O. 21, rr. 90, 92.)

(*Title.*)

To

WHEREAS the undermentioned property was sold on the day of 19 in execution of the decree passed in the above named suit, and whereas the decree-holder [*or* judgment-debtor] has applied to this Court to set aside the sale of the said property on the ground of a material irregularity (*or* fraud) in publishing (*or* conducting) the sale, namely, that

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs in this Court on the day of 19 , when the said application will be heard and determined

GIVEN under my hand and the seal of the Court, this day of 19 .

Description of property.

Judge.

No. 37.

NOTICE TO SHOW CAUSE WHY SALE SHOULD NOT BE SET ASIDE. (O. 21, rr. 91, 92.)

(*Title.*)

To

WHEREAS the purchaser of the undermentioned property sold on the day of 19 , in execution of the decree passed in the abovenamed suit, has applied to this Court to set aside the sale of the said property on the ground that , the judgment-debtor, had no saleable interest therein:

Take notice that if you have any cause to show why the said application should not be granted, you should appear with your proofs in this Court on the day of 19 when the said application will be heard and determined.

GIVEN under my hand and the seal of the Court, this day of 19 .

Description of property.

Judge.

No. 38.

CERTIFICATE OF SALE OF LAND. (O. 21, r. 94.)

(*Title.*)

THIS is to certify that has been declared the purchaser at a sale by public auction on the day of 19 of in execution of decree in this suit, and that the said sale has been duly confirmed by this Court.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 39.

ORDER FOR DELIVERY TO CERTIFIED PURCHASER OF LAND AT A SALE IN EXECUTION. (O. 21, r. 95.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS has become the certified purchaser of at a sale in execution of decree in Suit No. of 19 ; You are hereby ordered to put the said , the certified purchaser, as aforesaid, in possession of the same.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Appendix E Form Nos. 40—42.

No. 40.

SUMMONS TO APPEAR AND ANSWER CHARGE OF OBSTRUCTING EXECUTION OF DECREE. (O. 21, r. 97.)

(*Title.*)

To

WHEREAS , the decree-holder in the above suit, has complained to this Court that you have resisted (*or* obstructed) the officer charged with the execution of the warrant for possession:

You are hereby summoned to appear in this Court on the day of 19 at A.M., to answer the said complaint.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 41.

WARRANT OF COMMITTAL. (O. 21, r. 98.)

(*Title.*)

To

The Officer in charge of the Jail at

WHEREAS the undermentioned property has been decreed to , the plaintiff in this suit, and whereas the Court is satisfied that without any just cause resisted (*or* obstructed) and is still resisting (*or* obstructing) the said in obtaining possession of the property, and whereas the said has made application to this Court that the said be committed to the civil prison;

You are hereby commanded and required to take and receive the said into the civil prison and to keep him imprisoned therein for the period of days.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 42.

AUTHORITY OF THE DEPUTY COMMISSIONER TO STAY PUBLIC SALE OF LAND. (Section 72.)

(*Title.*)

To

Deputy Commissioner of

Sir,

In answer to your communication No. , dated , representing that the sale in execution of the decree in this suit of land situate within your district is objectionable, I have the honor to inform you that you are authorized to make provision for the satisfaction of the said decree in the manner recommended by you.

I have the honor to be,

Sir,

Your obedient servant,

Judge.

Appendix F Form Nos. 1—3.

APPENDIX F.

SUPPLEMENTAL PROCEEDINGS.

No. 1.

WARRANT OF ARREST BEFORE JUDGMENT. (O. 38. r. 1.)

(*Title.*)

To

The Bailiff of the Court.

WHEREAS , the plaintiff in the above suit, claims the sum of Rs. as noted in the margin and has proved to the satisfaction of the Court that there is probable cause for believing that the defendant is about to ;

Principal ...	...		
Interest ...	...		
Costs ...	...		
Total ...			

These are to command you to demand and receive from the said the sum of Rs. as sufficient to satisfy the plaintiff's claim and unless the said sum of Rs. is forthwith delivered to you by or on behalf of the said , to take the said into custody, and to bring him before this Court, in order that he may show cause why he should not furnish security to the amount of Rs. for his personal appearance before the Court, until such time as the said suit shall be fully and finally disposed of, and until satisfaction of any decree that may be passed against him in the suit.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 2.

SECURITY FOR APPEARANCE OF A DEFENDANT ARRESTED BEFORE JUDGMENT.

(O. 38, r. 2.)

(*Title.*)

WHEREAS at the instance of , the plaintiff in the above suit, the defendant has been arrested and brought before the Court ;

And whereas on the failure of the said defendant to show cause why he should not furnish security for his appearance, the Court has ordered him to furnish such security :

Therefore I have voluntarily become surety and do hereby bind myself, my heirs and executors, to the said Court, that the said defendant shall appear at any time when called upon while the suit is pending and until satisfaction of any decree that may be passed against him in the said suit ; and in default of such appearance I bind myself, my heirs and executors, to pay to the said Court, at its order, any sum of money that may be adjudged against the said defendant in the said suit.

Witness my hand at this day of 19 .

(Signed.)

Witnesses
1.
2.

SUMMONS TO DEFENDANT TO APPEAR ON SURETY'S APPLICATION FOR DISCHARGE.

(O 38, r. 3.)

(*Title.*)

To

WHEREAS who became suret ay of 19
for your appearance in the above suit, has appl e discharged from
his obligation :

You are hereby summoned to appear in th the
day of 19 , at ion will be heard
and determined A.M.

Appendix F Form Nos. 4—7.

No. 4.

ORDER FOR COMMITTAL. (O. 38, r. 4.)

(Title.)

To

WHEREAS , plaintiff in this suit, has made application to the Court that security be taken for the appearance of , the defendant, to answer any judgment that may be passed against him in the suit; and whereas the Court has called upon the defendant to furnish such security, or to offer a sufficient deposit in lieu of security, which he has failed to do; It is ordered that the said defendant be committed to the civil prison until the decision of the suit; or, if judgment be pronounced against him, until satisfaction of the decree.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 5.

ATTACHMENT BEFORE JUDGMENT, WITH ORDER TO CALL FOR SECURITY FOR FULFILMENT OF DECREE. (O. 38, r. 5.)

(Title.)

To

The Bailiff of the Court.

WHEREAS has proved to the satisfaction of the Court that the defendant in the above suit

These are to command you to call upon the said defendant on or before the day of 19 either to furnish security for the sum of rupees to produce and place at the disposal of this Court when required or the value thereof, or such portion of the value as may be sufficient to satisfy any decree that may be passed against him; or to appear and show cause why he should not furnish security; and you are further ordered to attach the said and keep the same under safe and secure custody until the further order of the Court; and you are further commanded to return this warrant on or before the day of 19 , with an endorsement certifying the date on which and the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 6.

SECURITY FOR THE PRODUCTION OF PROPERTY. (O. 38, r. 5.)

(Title.)

WHEREAS at the instance of , the plaintiff in the above suit, the defendant., has been directed by the Court to furnish security in the sum of Rs. to produce and place at the disposal of the Court the property specified in the schedule hereunto annexed;

Therefore I have voluntarily become surety and do hereby bind myself, my heirs and executors, to the said Court, that the said defendant shall produce and place at the disposal of the Court, when required, the property specified in the said schedule, or the value of the same, or such portion thereof as may be sufficient to satisfy the decree; and in default of his so doing, I bind myself, my heirs and executors, to pay to the said Court, at its order, the said sum of Rs. or such sum not exceeding the said sum as the said Court may adjudge.

Schedule.

Witness my hand at this day of 19

(Signed.)

Witnesses.

1.

2.

No. 7.

ATTACHMENT BEFORE JUDGMENT, ON PROOF OF FAILURE TO FURNISH SECURITY. (O. 38, r. 6.)

(Title.)

To

Appendix F Form No. 8.

called upon the said to furnish such security, which he has failed to do; These are to command you to attach the property of the said and keep the same under safe and secure custody until the further order of the Court; and you are further commanded to return this warrant on or before the day of 19 with an endorsement certifying the date on which and the manner in which it has been executed, or the reason why it has not been executed.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 8.

TEMPORARY INJUNCTIONS. (O. 39, r. 1.)

(Title.)

Upon motion made unto this Court by , Pleader of [*or* Counsel for] the plaintiff A. B.; and upon reading the petition of the said plaintiff in this matter filed [this day] [*or* the plaint filed in this suit on the day of , *or* the written statement of the said plaintiff filed on the day of] and upon hearing the evidence of and in support thereof. [*if after notice and defendant not appearing* : *add*, and also the evidence of as to service of notice of this motion upon the defendant C. D.]: This Court doth order that an injunction be awarded to restrain the defendant C. D., his servants, agents and workmen, from pulling down, or suffering to be pulled down, the house in the plaint in the said suit of the plaintiff mentioned [*or*, in the written statement, *or* petition, of the plaintiff and evidence at the hearing of this motion mentioned] being No. 9, Oilmongers Street, Hindupur, in the Taluk of , and from selling the materials whereof the said house is composed, until the hearing of this suit or until the further order of this Court.

Dated this day of 19 .

Judge.

[*Where the injunction is sought to restrain the negotiation of a note or bill, the ordering part of the order may run thus*:—] to restrain the defendants and from parting with out of the custody of them or any of them or endorsing, assigning or negotiating the promissory note [*or* bill of exchange] in question, dated on or about the , etc., mentioned in the plaintiff's plaint [*or* petition] and the evidence heard at this motion until the hearing of this suit, or until the further order of this Court.

[*In copyright cases*] to restrain the defendant C. D., his servants, agents or workmen, from printing, publishing or vending a book, called , or any part thereof, until the etc.

[*Where part only of a book is to be restrained*] to restrain the defendant C. D., his servants, agents or workmen, from printing, publishing, selling or otherwise disposing of such parts of the book in the plaint [*or* petition and evidence, etc.] mentioned to have been published by the defendant as hereinafter specified, namely, that part of the said book which is entitled and also that part which is entitled [*or* which is contained in page to page both inclusive] until , etc.

[*In Patent cases.*] to restrain the defendant C. D., his agents, servants and workmen, from making or vending any perforated bricks [*or* as the case may be] upon the principle of the inventions in the plaintiff's plaint [*or* petition, etc., *or* written statement, etc.,] mentioned, belonging to the plaintiffs, or either of them, during the remainder of the respective terms of the patents in the plaintiff's plaint [*or* as the case may be] mentioned, and from counterfeiting, imitating or resembling the same inventions, or either of them, or making any addition thereto, or subtraction therefrom, until the hearing, etc.

[*In cases of trade marks*] to restrain the defendant C. D., his servants, agents or workmen, from selling, or exposing for sale or procuring to be sold, any composition or blacking [*or* as the case may be] described as or purporting to be blacking manufactured by the plaintiff A. B., in bottles having affixed thereto such lables as in the plaintiff's plaint [*or* petition, etc.] mentioned, or any other lables so contrived or expressed as, by colourable imitation or otherwise, to represent the composition or blacking sold by the defendant to be the same as the composition or blacking manufactured and sold by the plaintiff A. B., and from using trade-cards so contrived or expressed as to represent that any composition or blacking sold or proposed to be sold by the defendant is the same as the composition or blacking manufactured or sold by the plaintiff, A. B., until the, etc.

[*To restrain a partner from in any way interfering in the business*] to restrain the defendant C. D., his servants and agents, from entering into any contract, and from accepting, drawing, endorsing or negotiating any bill

of exchange, note or written security in the name of the partnership-firm of B. and D., and from contracting any debt, buying and selling any goods, and from making or entering into any verbal or written promise, agreement or undertaking, and from doing, or causing to be done, any act, in the name or on the credit of the said partnership-firm of B. and D., or whereby the said partnership-firm can or may in any manner become or be made liable to or for the payment of any sum of money, or for the performance of any contract, promise or undertaking until the, etc.

No. 6.

APPOINTMENT OF A RECEIVER. (O. 40, r. 1.)

(*Title*).

To

WHEREAS has been atttached in execution of a decree passed in the above suit on the day of 19 , in favour of ; You are hereby (subject to your giving security to the satisfaction of the Court) appointed receiver of the said property under Order LX of the Code of Civil Procedure, 19 , with full powers under the provisions of that order.

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on You will be entitled to remuneration at the rate of per cent upon your receipt under the authority of this appointment.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 7.

BOND TO BE GIVEN BY RECEIVER. (O. 43, r. 3.)

(*Title.*)

KNOW all men by these presents, that we and and are jointly and severally bound to of the Court of in Rs. to be paid to the said or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us, in the whole, our and each of our heirs, executors and administrators, jointly and severally, by these presents.

Dated this day of 19

Whereas a plaint has been filed in this Court by against for the purpose of [*here insert the object of suit.*]

And whereas the said has been appointed, by order of the above-mentioned Court, to receive the rents and profits of the immovable property and to get in the outstanding movable property of in the said plaint named:

Now the condition of this obligation is such, that if the above-bounden shall duly account for all and every the sum and sums of money which he shall so receive on account of the rents and profits of the immovable property, and in respect of the movable property, of said at such periods as the said Court shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court hath directed or shall hereafter direct, then this obligation shall be void, otherwise it shall remain in full force.

Signed and delivered by the above-bounden in the presence of

Note.—If deposit of money is made, the memorandum thereof should follow the terms of the condition of the bond.

Appendix G Form Nos. 1—3.

APPENDIX G.

APPEAL, REFERENCE AND REVIEW.

No. 1.

MEMORANDUM OF APPEAL. (O. 41, r. 1.)

(Title.)

The abovenamed appeals to the Court at from the decree of in Suit No. of 19 , dated the day of 19 , and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 2.

SECURITY BOND TO BE GIVEN ON ORDER BEING MADE TO STAY EXECUTION OF DECREE. (O. 41, r. 5.)

(Title.)

To

This security bond on stay of execution of decree executed by witnesseth :—

That , the plaintiff in Suit No. of 19 , having sued , the defendant, in this Court and a decree having been passed on the day of.....19 in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the Court, the said appeal is still pending.

Now the plaintiff decree-holder having applied to execute the decree, the defendant has made an application praying for stay of execution and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. , mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be confirmed or varied by the Appellate Court the said defendant shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19

Schedule.

Witnessed by (Signed.)
1.
2.

No. 3

SECURITY BOND TO BE GIVEN DURING THE PENDENCY OF APPEAL. (O. 41, r. 6.)

(Title.)

To

This security bond on stay of execution of decree executed by witnesseth :—

That , the plaintiff in Suit No. of 19 , having sued , the defendant, in this Court and a decree having been passed on the day of 19 in favour of the plaintiff, and the defendant having preferred an appeal from the said decree in the Court, the said appeal is still pending.

Now the plaintiff decree-holder has applied for execution of the said decree and has been called upon to furnish security. Accordingly I, of my own free will, stand security to the extent of Rs. mortgaging the properties specified in the schedule hereunto annexed, and covenant that if the decree of the first Court be reversed or varied by the Appellate Court, the plaintiff shall restore any property which may be or has been taken in execution of the said decree and shall duly act in accordance with the decree of the Appellate Court and shall pay whatever may be payable by him thereunder, and if he should fail therein then any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19

Schedule.

Witnessed by (Signed.)
1.
2.

Appendix G Form Nos. 4—7.

No. 4.

SECURITY FOR COSTS OF APPEAL. O. 41, r. 10.)

(Title.)

To

This security bond for costs of appeal executed by witnesseth:—

This appellant, has preferred an appeal from the decree in Suit No. of 19 , against the respondent, and has been called upon to furnish security. Accordingly I, of my own free will, stand security for the costs of the appeal, mortgaging the properties specified in the schedule hereunto annexed. I shall not transfer the said properties or any part thereof, and in the event of any default on the part of the appellant I shall duly carry out any order that may be made against me with regard to payment of the costs of appeal. Any amount so payable shall be realized from the properties hereby mortgaged, and if the proceeds of the sale of the said properties are insufficient to pay the amount due, I and my legal representatives will be personally liable to pay the balance. To this effect I execute this security bond this day of 19 .

Schedule.

Witnessed by (Signed.)

1.

2.

No. 5.

INTIMATION TO LOWER COURT OF ADMISSION OF APPEAL. (O. 41, r. 13.)

(Title.)

To

YOU are hereby directed to take notice that the in the above suit, has preferred an appeal to this Court from the decree passed by you therein on the.....day of.....19 .

You are requested to send with all practicable despatch all material papers in the suit.

Daded the day of 19 .

Judge.

No. 6.

NOTICE TO RESPONDENT OF THE DAY FIXED FOR THE HEARING OF THE APPEAL. (O. 41, r. 14.)

(Title.)

APPEAL from the of the Court of dated the day of 19

To Respondent.

TAKE notice that an appeal from the decree of in this case has been presented by and registered in this Court, and that the day of 19 has been fixed by this Court for the hearing of this appeal.

If no appearance is made on your behalf by yourself, your pleader, or by some one by law authorized to act for you in this appeal, it will be heard and decided in your absence.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

[*Note.*—If a stay of execution has been ordered, intimation should be given of the fact on this notice.]

No. 7.

NOTICE TO A PARTY TO A SUIT NOT MADE A PARTY TO THE APPEAL BUT JOINED BY THE COURT AS A RESPONDENT. (O. 41, r. 20.)

(Title.)

WHEREAS you were a party in Suit No. of 19 , in the Court of ; and whereas the has preferred an appeal to this Court from the decree passed against him in the said suit and it appears to this Court that you are interested in the result of the said appeal:

This is give you notice that this Court has directed you to be made a respondent in the said appeal and has adjourned the hearing thereof till the day of 19 , at A.M. If no appearance is made on your behalf on the said day and the said hour, the appeal will be heard and decided in your absence.

GIVEN under my hand and seal of the Court, this day of 19 .

Judge.

Appendix G Form Nos. 8—11.

No. 8.

MEMORANDUM OF CROSS OBJECTION. (O. 41, r. 22.)

(*Title.*)

WHEREAS the has preferred an appeal to the Court at from the decree of in Suit No. of 19 , dated the day of 19 , and whereas notice of the day fixed for hearing the appeal was served on the on the day of 19 , the files this memorandum of cross objection under rule 22 of Order XLI of the Code of Civil Procedure, 1911, and sets forth the following grounds of objection to the decree appealed from, namely :—

No. 9.

DECREE IN APPEAL. (O. 41, r. 35.)

(*Title.*)

Appeal No. of 19 from the decree of the Court of dated the day of 19 .

Memorandum of appeal.

Plaintiff.
Defendant.

The abovenamed appeals to the Court at from the decree of in the above suit, dated the day of 19 , for the following reasons, namely :—

This appeal coming on for hearing on the day of 19 , before , in the presence of for the appellant and of for the respondent, it is ordered—

The costs of this appeal, as detailed below, amounting to Rs. , are to be paid by . The costs of the original suit are to be paid by .

Given under my hand this day of 19 .

Judge.

Costs of appeal.

Appellant	Amount			Respondent	Amount		
	Rs.	a.	p.		Rs.	a.	p.
1. Stamp for memorandum of appeal.				Stamp for power			
2. Do for power				Do for petition			
3. Service of processes ...				Service of processes			
4. Pleader's fee on Rs. ...				Pleader's fee on Rs.			
Total ...				Total ...			

No. 10.

APPLICATION TO APPEAL *IN FORMA PAUPERIS*. (O. 44, r. 1.)

(*Title.*)

I the abovenamed, present the accompanying memorandum of appeal from the decree in the above suit and apply to be allowed to appeal as a pauper.

Annexed is a full and true schedule of all the movable and immovable property belonging to me with the estimated value thereof.

Dated the day of 19 .

(Signed.)

Note.—Where the application is by the plaintiff he should state whether he applied and was allowed to sue in the Court of first instance as a pauper.

No. 11.

NOTICE OF APPEAL *IN FORMA PAUPERIS*. (O. 44, r. 1.)

(*Title.*)

WHEREAS the abovenamed has applied to be allowed to appeal as a pauper from the decree in the above suit dated the day of 19 and whereas the day of 19 has been fixed for hearing the application ; notice is hereby given to you that if you desire to show cause why the applicant should not be allowed to appeal as a pauper an opportunity will be given to you of doing so on the aforementioned date.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

Appendix G Form No. 14.

No. 14.

NOTICE TO SHOW CAUSE WHY A REVIEW SHOULD NOT BE GRANTED.

(O. 47, r. 4.)

(Title.)

To

TAKE notice that has applied to this Court for a review of its decree passed on the day of 19 in the above case. The day of 19 is fixed for you to show cause why the Court should not grant a review of its decree in this case.

GIVEN under my hand and the seal of the Court, this day of 19

APPENDIX H.

MISCELLANEOUS.

No. 1.

AGREEMENT OF PARTIES AS TO ISSUE TO BE TRIED. (O. 14, r. 6.)

(*Title.*)

WHEREAS we, the parties in the above suit, are agreed as to the question of fact [*or* of law] to be decided between us and the point at issue between us is whether a claim founded on a bond, dated the day of 19 and filed as Exhibit in the said suit, is or is not beyond the statute of limitation [*or state the point at issue whatever it may be*] :

We therefore severally bind ourselves that, upon the finding of the Court in the negative [*or* affirmative] of such issue will pay to the said the sum of Rupees (*or* such sum as the Court shall hold to be due thereon) and I, the said will accept the said sum of Rupees (*or* such sum as the Court shall hold to be due) in full satisfaction of my claim on the bond aforesaid [*or*, that upon such finding I, the said will do or abstain from doing, etc., etc.].

Plaintiff.
Defendant.

Witnesses.
1.
2.

Dated the day of 19 .

No. 2.

NOTICE OF APPLICATION FOR THE TRANSFER OF A SUIT TO ANOTHER COURT FOR TRIAL.

(Section 24.)

In the Court of the District Judge of
No. of 19 .

To

WHEREAS an application dated the day of 19 has been made to this Court by the in Suit No. of 19 now pending in the Court of the at in which is plaintiff and is defendant, for the transfer of the suit for trial to the Court of the at :—

You are hereby informed that the day of 19 has been fixed for the hearing of the application, when you will be heard if you desire to offer any objection to it.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 3.

NOTICE OF PAYMENT INTO COURT. (O. 24, r. 2.)

(*Title.*)

Take notice that the defendant has paid into Court Rs. and says that that sum is sufficient to satisfy the plaintiff's claim in full.

X. Y, Pleader for the defendant.

To Z, Pleader for the plaintiff.

No. 4.

NOTICE TO SHOW CAUSE. (General form.)

(*Title.*)

To

WHEREAS the abovenamed has made application to this Court that

You are hereby warned to appear in this Court in person or by a pleader, duly instructed on the day of 19 , at o'clock in the forenoon, to show cause against the application, failing wherein, the said application will be heard and determined *ex parte*.

GIVEN under my hand and the seal of the Court, this day of 19

Judge.

No. 5.

LIST OF DOCUMENTS PRODUCED BY PLAINTIFF / DEFENDANT. (O. 13, r. 1.)

(Title.)

No.	Description of document	Date, if any, which the document bears	Signature of party or pleader
1	2	3	4

No. 6.

NOTICE TO PARTIES OF THE DAY FIXED FOR EXAMINATION OF A WITNESS ABOUT TO LEAVE THE JURISDICTION. (O. 18, r. 16.)

(Title.)

To plaintiff (*or* defendant).

WHEREAS in the above suit application has been made to the Court by that the examination of a witness required by the said in the said suit, may be taken immediately; and it has been shown to the Court's satisfaction that the said witness is about to leave the Court's jurisdiction (*or any other good and sufficient cause, to be stated*)

Take notice that the examination of the said witness will be taken by the Court on the day of 19 Dated the day of 19

Judge.

No. 7.

COMMISSION TO EXAMINE ABSENT WITNESS. (O. 26, rr. 4, 18.)

(Title.)

To

WHEREAS the evidence of is required by the above suit; and whereas ; you are requested to take the evidence on interrogatories (or *viva voce*) of such witness and you are hereby appointed Commissioner for that purpose. The evidence will be taken in the presence of the parties or their agents if in attendance, who will be at liberty to question the witness on the points specified; and you are further requested to make return of such evidence as soon as it may be taken.

Process to compel the attendance of the witness will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Court, this day of 19

Appendix H Form Nos. 8—10.

No. 8.

LETTER OF REQUEST. (O. 26, r. 5.)

(*Title.*)

(Heading :—To the President and Judges of, etc., etc., *or as the case may be.*)

WHEREAS a suit is now pending in the
in which A. B. is plaintiff and C. D. is defendant; and in the said suit the plaintiff claims (*abstract of claim*);

And whereas it has been represented to the said Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties, that the following persons should be examined as witnesses upon oath touching such matters, that is to say:

E. F., of
G. H., of and
I. J., of

And it appearing that such witnesses are resident within the jurisdiction of your honourable Court;

Now I , as the of the said Court, have the honor to request, and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, you, as the President and Judges of the said , or some one or more of you, will be pleased to summon the said witness (and such other witnesses as the agents of the said plaintiff and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you or such other persons as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witnesses to be examined upon the interrogatories which accompany this letter of request (or *viva voce*) touching the said matters in question in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend such examination.

And I further have the honor to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing, and all books, letters, papers and documents produced upon such examination to be duly marked for identification, and that you will be further pleased to authenticate such examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same, together with such request in writing, if any, for the examination of other witnesses to the said Court.

No. 9.

COMMISSION FOR A LOCAL INVESTIGATION, OR TO EXAMINE ACCOUNTS.

(O. 26, rr. 9, 11.)

(*Title.*)

To

WHEREAS it is deemed requisite, for the purposes of this suit, that a commission for
should be issued; You are hereby appointed Commissioner for the purpose of

Process to compel the attendance before you of any witnesses or for the production of any documents, whom or which you may desire to examine or inspect, will be issued by any Court having jurisdiction on your application.

A sum of Rs. , being your fee in the above, is herewith forwarded.

GIVEN under my hand and the seal of the Co
19

No. 10.

COMMISSION TO MAKE

To

WHEREAS it is deemed requis
should be issued to make the part
and according to the rights as deq
day of
for the said purpose a
divide the said proper
shares set out in the s
You are h
for the pu
Proc
tion of

Appendix H Form Nos. 11—13.

No. 11.

NOTICE TO MINOR DEFENDANT AND GUARDIAN. (O. 32, r. 3.)

(Title.)

To

Minor Defendant.
Natural Guardian.

WHEREAS an application has been presented on the part of the plaintiff in the above suit for the appointment of a guardian for the suit to the minor defendant, you the said minor, and you (1) (1) [Here insert the name of guardian.] are hereby required to take notice that unless within days from the service upon you of this notice, an application is made to this Court for the appointment of you (1) or of some friend of you the minor, to act as guardian for the suit, the Court will proceed to appoint some other person to act as a guardian to the minor for the purposes of the said suit.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 12.

NOTICE TO OPPOSITE PARTY OF DAY FIXED FOR HEARING EVIDENCE OF PAUPERISM. (O. 33, r. 6.)

(Title.)

To

WHEREAS has applied to this Court for permission to institute a suit against *in forma pauperis* under Order XXXIII of the Code of Civil Procedure, 1911; and whereas the Court sees no reason to reject the application; and whereas the day of 19 has been fixed for receiving such evidence as the applicant may adduce in proof of his pauperism and for hearing any evidence which may be adduced in disproof thereof:

Notice is hereby given to you under rule 6 of Order XXXIII that in case you may wish to offer any evidence to disprove the pauperism of the applicant, you may do so on appearing in this Court on the said day of 19

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 13.

NOTICE TO SURETY OF HIS LIABILITY UNDER A DECREE. (Section 145.)

(Title.)

To

WHEREAS you did on become liable as surety for the performance of any decree which might be passed against the said defendant in the above suit; and whereas a decree was passed on the day of 19 against the said defendant for the payment of and whereas application has been made for execution of the said decree against you:

Take notice that you are hereby required on or before the day of 19 to show cause why the said decree should not be executed against you, and if no sufficient cause shall be, within the time specified, shown to the satisfaction of the Court, an order for its execution will be forthwith issued in the terms of the said application.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 14.

REGISTER OF CIVIL SUITS (O. 4, r. 2.)

COURT of the of at

REGISTER OF CIVIL SUITS in the year 19 .

Date of presentation of plaint	No. of suit	Plaintiff			Defendant			Claim			Appearance			Judgment			Appeal		Execution					Return of execution		
		Name	Description	Place of residence	Name	Description	Place of residence	Particulars	Amount or value	When the cause of action accrued	Day for parties to appear	Plaintiff	Defendant	Date	For whom	For what, or amount	Date of decision of appeal	Judgment in appeal	Date of application	Date of order	Against whom	For what, and amount, if money	Amount of costs	Amount paid into Court.	Arrested	Minute of other return than payment or arrest, and date of every return

NOTE.—Where there are numerous plaintiffs or numerous defendants, the name of the first plaintiff only, or the first defendant only, as the case may be, need be entered in the register.

No. 15.

REGISTER OF APPEALS. (O. 41, r. 9.)

COURT (OR CHIEF COURT) AT

REGISTER OF APPEALS FROM DECREES in the year 19

Date of memorandum	Number of appeal	Appellant			Respondent			Decree appealed from				Appearance			Judgment		
		Name	Description	Place of residence	Name	Description	Place of residence	Of what Court	Number of original suit	Particulars	Amount or value	Day for parties to appear	Appellant	Respondent	Date	Confirmed, reversed or varied	For what or amount

THE SECOND SCHEDULE.

ARBITRATION.

Arbitration in suits.

Parties to suit may apply for order of reference.

1. (1) Where in any suit all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before judgment is pronounced, apply to the Court for an order of reference.

(2) Every such application shall be in writing and shall state the matter sought to be referred.

Appointment of arbitrator.

2. The arbitrator shall be appointed in such manner as may be agreed upon between the parties.

Order of reference.

3. (1) The Court shall, by order, refer to the arbitrator the matter in difference which he is required to determine, and shall fix such time as it thinks reasonable for the making of the award, and shall specify such time in the order.

(2) Where a matter is referred to arbitration, the Court shall not, save in the manner and to the extent provided in this schedule, deal with such matter in the same suit.

Where reference is to two or more, order to provide for difference of opinion.

4. (1) Where the reference is to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators—

(*a*) by the appointment of an umpire; or

(*b*) by declaring that, if the majority of the arbitrators agree, the decision of the majority shall prevail; or

(*c*) by empowering the arbitrators to appoint an umpire; or

(*d*) otherwise as may be agreed between the parties or, if they cannot agree, as the Court may determine.

(2) Where an umpire is appointed, the Court shall fix such time as it thinks reasonable for the making of his award in case he is required to act.

Power of Court to appoint arbitrator in certain cases.

5. (1) In any of the following cases, namely:—

(*a*) where the parties cannot agree within a reasonable time with respect to the appointment of an arbitrator, or the person appointed refuses to accept the office of arbitrator, or

(*b*) where an arbitrator or umpire—

(i) dies, or

(ii) refuses or neglects to act or becomes incapable of acting, or

(iii) leaves Mysore in circumstances showing that he will probably not return at an early date, or

(*c*) where the arbitrators are empowered by the order of reference to appoint an umpire and fail to do so.

any party may serve the other party or the arbitrators, as the case may be, with a written notice to appoint an arbitrator or umpire.

(2) If, within seven clear days after such notice has been served or such further time as the Court may in each case allow, no arbitrator or no umpire is appointed, as the case may be, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator or umpire or make an order superseding the arbitration, and in such case shall proceed with the suit.

Powers of arbitrator or umpire appointed under paragraph 4 or 5.

6. Every arbitrator or umpire appointed under paragraph 4 or paragraph 5 shall have the like powers as if his name had been inserted in the order of reference.

Summoning witnesses and default.

7. (1) The Court shall issue the same processes to the parties and witness whom the arbitrator or umpire desires to examine, as the Court may issue in suits tried before it.

(2) Persons not attending in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitrator or umpire during the investigation of the matters referred, shall be subject to the like disadvantages, penalties and punishments, by order of the Court on the representation of the arbitrator or umpire, as they would incur for the like offences in suits tried before the Court.

Extension of time for making award.

8. Where the arbitrators or the umpire cannot complete the award within the period specified in the order, the Court may, if it thinks fit, either allow further time, and from time to time either before or after the expiration of the period fixed for the making of the award, enlarge such period; or may make an order superseding the arbitration, and in such case shall proceed with the suit.

Second Schedule Paras 9—17.

Where umpire may arbitrate in lieu of arbitrators.

9. Where an umpire has been appointed, he may enter on the reference in the place of the arbitrators,—

(*a*) if they have allowed the appointed time to expire without making an award, or

(*b*) if they have delivered to the Court or to the umpire a notice in writing stating that they cannot agree.

Award to be signed and filed.

10. Where an award in a suit has been made, the persons who made it shall sign it and cause it to be filed in Court, together with any depositions and documents which have been taken and proved before them; and notice of the filing shall be given to the parties.

Statement of special case by arbitrators or umpire.

11. Upon any reference by an order of the Court, the arbitrator or umpire may, with the leave of the Court, state the award as to the whole or any part thereof in the form of a special case for the opinion of the Court, and the Court shall deliver its opinion thereon, and shall order such opinion to be added to and to form part of the award.

Power to modify or correct award.

12. The Court may, by order, modify or correct an award,—

(*a*) where it appears that a part of the award is upon a matter not referred to arbitration and such part can be separated from the other part and does not affect the decision on the matter referred; or

(*b*) where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision; or

(*c*) where the award contains a clerical mistake or an error arising from an accidental slip or omission.

Order as to costs of arbitration.

13. The Court may also make such order as it thinks fit respecting the costs of the arbitration where any question arises respecting such costs and the award contains no sufficient provision concerning them.

Where award or matter referred to arbitration, may be remitted.

14. The Court may remit the award or any matter referred to arbitration to the re-consideration of the same arbitrator or umpire, upon such terms as it thinks fit,—

(*a*) where the award has left undetermined any of the matters referred to arbitration, or where it determines any matter not referred to arbitration, unless such matter can be separated without affecting the determination of the matters referred;

(*b*) where the award is so indefinite as to be incapable of execution;

(*c*) where an objection to the legality of the award is apparent upon the face of it.

Grounds for setting aside award.

15. (1) An award remitted under paragraph 14 becomes void on failure of the arbitrator or umpire to re-consider it. But no award shall be set aside except on one of the following grounds, namely:—

(*a*) corruption or misconduct of the arbitrator or umpire;

(*b*) either party having been guilty of fraudulent concealment of any matter which he ought to have disclosed, or of wilfully misleading or deceiving the arbitrator or umpire;

(*c*) the award having been made after the issue of an order by the Court superseding the arbitration and proceeding with the suit or after the expiration of the period allowed by the Court, or being otherwise invalid.

(2) Where an award becomes void or is set aside under clause (1), the Court shall make an order superseding the arbitration and in such case shall proceed with the suit.

Judgment to be according to award.

16. (1) Where the Court sees no cause to remit the award or any of the matters referred to arbitration for re-consideration in manner aforesaid, and no application has been made to set aside the award, or the Court has refused such application, the Court shall, after the time for making such application has expired, proceed to pronounce judgment according to the award.

(2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of, or not in accordance with the award.

Order of reference on agreements to refer.

Application to file in Court agreement to refer to arbitration.

17. (1) Where any persons agree in writing that any difference between them shall be referred to arbitration, the parties to the agreement, or any of them, may apply to any Court having jurisdiction in the matter to which the agreement relates, that the agreement be filed in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between one or more of the parties interested or claiming to be interested as plaintiff or plaintiffs, and the others or other of them as defendants or defendant, if

the application has been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants.

(3) On such application being made, the Court shall direct notice thereof to be given to all the parties to the agreement, other than the applicants, requiring such parties to show cause, within the time specified in the notice, why the agreement should not be filed.

(4) Where no sufficient cause is shown, the Court shall order the agreement to be filed, and shall make an order or reference to the arbitrator appointed in accordance with the provisions of the agreement or, if there is no such provision and the parties cannot agree, the Court may appoint an arbitrator.

Stay of suit where there is an agreement to refer to arbitration.

18. Where any party to any agreement to refer to arbitration, or any person claiming under him, institutes any suit against any other party to the agreement, or any person claiming under him, in respect of any matter agreed to be referred, any party to such suit may, at the earliest possible opportunity and in all cases where issues are settled at or before such settlement, apply to the Court to stay the suit: and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the agreement to refer to arbitration, and that the applicant was, at the time when the suit was instituted and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the suit.

Provisions applicable to proceedings under paragraph 17.

19. The foregoing provisions, so far as they are consistent with any agreement filed under paragraph 17, shall be applicable to all proceedings under the order of reference made by the Court under that paragraph, and to the award and to the decree following thereon.

Arbitration without the intervention of a Court.

Filing award in matter referred to arbitration without intervention of Court.

20. (1) Where any matter has been referred to arbitration without the intervention of a Court and an award has been made thereon, any person interested in the award may apply to any Court having jurisdiction over the subject matter of the award that the award be filed in Court.

(2) The application shall be in writing and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

(3) The Court shall direct notice to be given to the parties to the arbitration, other than the applicant, requiring them to show cause, within a time specified, why the award should not be filed.

Filing and enforcement of such award.

21. (1) Where the Court is satisfied that the matter has been referred to arbitration and that an award has been made thereon and where no ground such as is mentioned or referred to in paragraph 14 or paragraph 15 is proved, the Court shall order the award to be filed and shall proceed to pronounce judgment according to the award.

(2) Upon the judgment so pronounced a decree shall follow, and no appeal shall lie from such decree except in so far as the decree is in excess of or not in accordance with the award.

Exclusion of certain words in the Specific Relief Act, 1877.

22. The last thirty-seven words of section 21 of the Specific Relief Act, 1877, as applicable to Mysore, shall not apply to any agreement to refer to arbitration or to any award, to which the provisions of this schedule apply.

Forms.

23. The forms set forth in the Appendix, with such variations as the circumstances of each case require, shall be used for the respective purposes therein mentioned.

APPENDIX.

No. 1.

APPLICATION FOR AN ORDER OF REFERENCE.

(*Title of suit.*)

1. This suit is instituted for *state nature of claim.*
2. The matter in difference between the parties is *state matter of difference.*
3. The applicants being all the parties interested have agreed that the matter in difference between them shall be referred to arbitration.
4. The applicants therefore apply for an order of reference.

A. B.
C. D.

Dated the day of 19 .

NOTE.—If the parties are agreed as to the arbitrators it should be so stated.

Second Schedule, Appendix Form Nos. 2—5.

No. 2.

ORDER OF REFERENCE.

Title of suit.

Upon reading the application presented on the day of 19 it is ordered that the following matter in difference arising in this suit, namely :—

.....

.....

be referred for determination to X and Y, or in case of their not agreeing then to the determination of Z, who is hereby appointed to be umpire; and such arbitrators are to make their award in writing on or before the day of 19 , and in case of the said arbitrators not agreeing in an award the said umpire is to make his award in writing within months after the time during which it is within the power of the arbitrators to make an award shall have ceased.

Liberty to apply.

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 3.

ORDER FOR APPOINTMENT OF NEW ARBITRATOR.

(*Title of suit.*)

Whereas by an order, dated the day of 19 [*state order of reference and death, refusal, etc., of arbitrator*], it is by consent ordered that Z be appointed in the place of X, deceased, (or as the case may be) to act as arbitrator with Y, the surviving arbitrator, under the said order; and it is ordered that the award of the said arbitrators be made on or before the day of 19 .

GIVEN under my hand and the seal of the Court, this day of 19 .

Judge.

No. 4.

SPECIAL CASE.

(*Title of suit.*)

In the matter of an arbitration between A. B. of and C. D. of the following special case is stated for the opinion of the Court. —

[*Here state the facts concisely in numbered paragraphs.*]

The questions of law for the opinion of the Court are :—

First whether.....

.....

Secondly, whether.....

.....

X.
Y.

Dated the day of 19 .

No. 5.

AWARD.

(*Title of suit.*)

In the matter of an arbitration between A. B. of and C. D. of :—

WHEREAS in pursuance of an order of reference made by the Court of and dated the day of 19 the following matter in difference between A. B. and C. D., namely,.....

.....

has been referred to us for determination;

Now we, having duly considered the matter referred to us, do hereby make our award as follows :—

We award—

(1) that.....

(2) that.....

Dated the day of 19 .

X.
Y.

THE THIRD SCHEDULE.

EXECUTION OF DECREES BY DEPUTY COMMISSIONERS.

Powers of Deputy Commissioner.

1. Where the execution of a decree has been transferred to the Deputy Commissioner under section 68, he may,—

(*a*) proceed as the Court would proceed when the sale of immovable property is postponed in order to enable the judgment-debtor to raise the amount of the decree; or

(*b*) raise the amount of the decree by letting in perpetuity, or for a term, on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold; or

(*c*) sell the property ordered to be sold or so much thereof as may be necessary.

Procedure of Deputy Commissioner in special cases.

2. Where the execution of a decree, not being a decree ordering the sale of immovable property in pursuance of a contract specifically affecting the same, but being a decree for the payment of money in satisfaction of which the Court has ordered the sale of immovable property, has been so transferred, the Deputy Commissioner, if, after such inquiry as he thinks necessary, he has reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immovable property, may proceed as hereinafter provided.

Notice to be given to decree-holders and to persons having claims on property.

3. (1) In any such case as is referred to in paragraph 2, the Deputy Commissioner shall publish a notice, allowing a period of sixty days from the date of its publication for compliance and calling upon—

(*a*) every person holding a decree for the payment of money against the judgment-debtor capable of execution by sale of his immovable property and which such decree-holder desires to have so executed, and every holder of a decree for the payment of money in execution of which proceedings for the sale of such property are pending, to produce before the Deputy Commissioner a copy of the decree, and a certificate from the Court which passed or is executing the same, declaring the amount recoverable thereunder;

(*b*) every person having any claim on the said property to submit to the Deputy Commissioner a statement of such claim, and to produce the documents (if any) by which it is evidenced.

(2) Such notice shall be published by being affixed on a conspicuous part of the Court-house of the Court which made the original order for sale, and in such other places (if any) as the Deputy Commissioner thinks fit; and where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise.

Amount of decrees for payment of money to be ascertained, and immovable property available for their satisfaction.

4. (1) Upon the expiration of the said period, the Deputy Commissioner shall appoint a day for hearing any representations which the judgment-debtor and the decree-holders or claimants (if any) may desire to make, and for holding such inquiry as he may deem necessary for informing himself as to the nature and extent of such decrees and claims and of the judgment-debtor's immovable property: and may, from time to time, adjourn such hearing and inquiry.

(2) Where there is no dispute as to the fact or extent of the liability of the judgment-debtor to any of the decrees or claims of which the Deputy Commissioner is informed, or as to the relative priorities of such decrees or claims, or as to the liability or any such property for the satisfaction of such decrees or claims, the Deputy Commissioner shall draw up a statement, specifying the amount to be recovered for the discharge of such decrees, the order in which such decrees and claims are to be satisfied, and the immovable property available for that purpose.

(3) Where any such dispute arises, the Deputy Commissioner shall refer the same, with a statement thereof and his own opinion thereon, to the Court which made the original order for sale, and shall, pending the reference, stay proceedings relating to the subject thereof. The Court shall dispose of the dispute if the matter thereof is within its jurisdiction, or transmit the case to a competent Court for disposal, and the final decision shall be communicated to the Deputy Commissioner, who shall then draw up a statement as above provided in accordance with such decision.

Where District Court may issue notices and hold inquiry.

5. The Deputy Commissioner may, instead of himself issuing the notices and holding the inquiry required by paragraphs 3 and 4, draw up a statement specifying the circumstances of the judgment-debtor and of his immovable property so far as they are known to the Deputy Commissioner or appear in the records of his office, and

forward such statement to the District Court; and such Court shall thereupon issue the notices, hold the inquiry and draw up the statement required by paragraphs 3 and 4 and transmit such statement to the Deputy Commissioner.

Effect of decision of Court as to dispute.

6. The decision by the Court of any dispute arising under paragraph 4 or paragraph 5 shall, as between the parties thereto, have the force of and be appealable as a decree.

Scheme for liquidation of decrees for payment of money.

7. (1) Where the amount to be recovered and the property available have been determined as provided in paragraph 4 or paragraph 5, the Deputy Commissioner may,—

(*a*) if it appears that the amount cannot be recovered, without the sale of the whole of the property available, proceed to sell such property; or

(*b*) if it appears that the amount with interest (if any) in accordance with the decree, and, when not decreed, with interest (if any) at such rate as he thinks reasonable, may be recovered without such sale, raise such amount and interest (notwithstanding the original order for sale)—

(*i*) by letting in perpetuity or for a term, on payment of a premium, the whole or any part of the said property; or

(*ii*) by mortgaging the whole or any part of such property; or

(*iii*) by selling part of such property; or

(*iv*) by letting on farm, or managing by himself or another, the whole or any part of such property for any term not exceeding twenty years from the date of the order of sale; or

(*v*) partly by one of such modes, and partly by another or others of such modes.

(2) For the purpose of managing the whole or any part of such property, the Deputy Commissioner may exercise all the powers of its owner.

(3) For the purpose of improving the saleable value of the property available or any part thereof, or rendering it more suitable for letting or managing or for preserving the property from sale in satisfaction of an incumbrance the Deputy Commissioner may discharge the claim of any incumbrancer which has become payable or compound the claim of any incumbrancer whether it has become payable or not, and, for the purpose of providing funds to effect such discharge or composition, may mortgage, let or sell any portion of the property which he deems sufficient. If any dispute arises as to the amount due on any incumbrance with which the Deputy Commissioner proposes to deal under this clause, he may institute a suit in the proper Court, either in his own name or the name of the judgment-debtor, to have an account taken, or he may agree to refer such dispute to the decision of two arbitrators, one to be chosen by each party, or of an umpire to be named by such arbitrators.

(4) In proceeding under this paragraph the Deputy Commissioner shall be subject to such rules consistent with this Regulation as may, from time to time, be made in this behalf by the Government.

Recovery of balance (if any) after letting or management.

8. Where, on the expiration of the letting or management under paragraph 7, the amount to be recovered has not been realized, the Deputy Commissioner shall notify the fact in writing to the judgment-debtor or his representative in interest, stating at the same time that, if the balance necessary to make up the said amount is not paid to the Deputy Commissioner within six weeks from the date of such notice, he will proceed to sell the whole or a sufficient part of the said property; and, if on the expiration of the said six weeks the said balance is not so paid, the Deputy Commissioner shall sell such property or part accordingly.

Deputy Commissioner to render accounts to Court.

9. (1) The Deputy Commissioner shall, from time to time, render to the Court which made the original order for sale an account of all moneys which come to his hands and of all charges incurred by him in the exercise and performance of the powers and duties conferred and imposed on him under the provisions of this schedule, and shall hold the balance at the disposal of the Court.

(2) Such charges shall include all debts and liabilities from time to time due to the Government in respect of the property or any part thereof, the rent (if any) from time to time due to a superior holder in respect of such property or part, and if the Deputy Commissioner so directs, the expenses of any witnesses summoned by him.

(3) The balance shall be applied by the Court—

(*a*) in providing for the maintenance of such members of the judgment-debtor's family (if any) as are entitled to be maintained out of the income of the property, to such amount in the case of each member as the Court thinks fit; and,

(*b*) where the Deputy Commissioner has proceeded under paragraph 1, in satisfaction of the original decree in execution of which the Court ordered the sale of immovable property, or otherwise as the Court may under Section 73 direct; or

(*c*) where the Deputy Commissioner has proceeded under paragraph 2,—

(*i*) in keeping down the interest on incumbrances on the property;

(*ii*) where the judgment-debtor has no other sufficient means of subsistence, in providing for his subsistence to such amount as the Court thinks fit; and

(*iii*) in discharging rateably the claims of the original decree-holder and any other decree-holders who have complied with the said notice and whose claims were included in the amount ordered to be recovered.

(4) No other holder of a decree for the payment of money shall be entitled to be paid out of such property or balance until the decree-holders who have obtained such order have been satisfied, and the residue (if any) shall be paid to the judgment-debtor or such other person as the Court directs.

Sales how to be conducted.

10. Where the Deputy Commissioner sells any property under this schedule, he shall put it up to public auction in one or more lots, as he thinks fit, and may—

(*a*) fix a reasonable reserved price for each lot;

(*b*) adjourn the sale for a reasonable time whenever, for reasons to be recorded, he deems the adjournment necessary for the purpose of obtaining a fair price for the property;

(*c*) buy in the property offered for sale, and re-sell the same by public auction or private contract, as he thinks fit.

Restrictions as to alienation by judgment-debtor or his representative, and prosecution of remedies by decree-holders.

11. (1) So long as the Deputy Commissioner can exercise or perform in respect of the judgment-debtor's immovable property, or any part thereof, any of the powers or duties conferred or imposed on him by paragraphs 1 to 10, the judgment-debtor or his representative in interest shall be incompetent to mortgage, charge, lease or alienate such property or part except with the written permission of the Deputy Commissioner, nor shall any Civil Court issue any process against such property or part in execution of a decree for the payment of money.

(2) During the same period no Civil Court shall issue any process of execution either against the judgment-debtor or his property in respect of any decree for the satisfaction whereof provision has been made by the Deputy Commissioner under paragraph 7.

(3) The same period shall be excluded in calculating the period of limitation applicable to the execution of any decree affected by the provisions of this paragraph in respect of any remedy of which the decree-holder has been temporarily deprived.

Provision where property is in several districts.

12. Where the property of which the sale has been ordered is situate in more districts than one, the powers and duties conferred and imposed on the Deputy Commissioner by paragraphs 1 to 10 shall be exercised and performed by such one of the Deputy Commissioners of the said districts as the Government may by general rule or special order direct.

Powers of Deputy Commissioner to compel attendance and production.

13. In exercising the powers conferred on him by paragraphs 1 to 10 the Deputy Commissioner shall have the powers of a Civil Court to compel the attendance of parties and witnesses and the production of documents.

THE FOURTH SCHEDULE.

(*See section 155.*)

ENACTMENTS AMENDED.

Year	No.	Short title	Amendment
1	2	3	4
1890	II	A Regulation to amend the Mysore Chief Court Regulation, I of 1884.	For the second sentence in sub-section (3) of section 15, the following shall be substituted, namely :— "When a Bench of the Chief Court consists of only two judges and there is a difference of opinion between such judges on any material question pending before it, such question shall be disposed of in the manner prescribed in section 98 of the Civil Procedure Code, or section 429 of the Criminal Procedure Code, as the case may be, or at the discretion of either of the judges composing the Bench, it shall be referred to a Full Bench and the decision of the majority of the judges on such Full Bench shall be the decision of the Chief Court.
1900	III	The Mysore Court-fees Regulation, 1900.	In Article 1 of Schedule I, after the word "plaint" the words "written statement pleading a set-off or counterclaim" and after the word "Regulation" the words "or of cross-objection" shall be inserted. From Article 7 of Schedule II the words "from an order rejecting a plaint or" shall be omitted. For the entry in the first column of Schedule II relating to Article 13 the following entry shall be substituted, namely :— "Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1911.

Fifth Schedule.

THE FIFTH SCHEDULE.

(See section 156.)

ENACTMENTS REPEALED.

Year	No.	Subject or short title	Extent of repeal
1	2	3	4
1884 ...	II	The Code of Civil Procedure	The whole.
1887 ...	II	Do Amendment Regulation ...	Do
1892 ...	VII	Do do ...	Do
1900 ...	III	The Court-fees Regulation	Section 13 and Article 10, Schedule II.
1901 ...	VI	The Civil Procedure Code Amendment Regulation.	The whole.
1904 ...	VI	Do do ...	Do
1906 ...	III	Do do ...	Do

T. ANANDA ROW,
Dewan.

Government Press, Bangalore, 1911.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 24.

BANGALORE, THURSDAY, JUNE 15, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 3435—Legis. 44-09, dated 14th June 1911.

ERRATUM.

In line 8, para (3) of Section 39 of the Mysore Insolvency Regulation, VI of 1911, published at page 73 of Part III of the *Mysore Gazette* dated the 25th May 1911, for the word "death" read "debt."

By Order,

C. S. BALASUNDARAM IYER,

Offg. Secy. to Govt., Gen. & Rev. Depts.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 25.

BANGALORE, THURSDAY, JUNE 22, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 359—L. C., dated 10th June 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Indian Contract Act as in force in Mysore is published for general information with a statement of objects and reasons.

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

A Bill further to amend the Indian Contract Act as in force in Mysore.

Whereas it is expedient further to amend the Indian Contract Act as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title, extent, commencement, and application.

(1) This Regulation may be called "The Indian Contract Act Amendment Regulation, 19 ."

(2) It shall extend to the whole of Mysore.

(3) It shall come into force on

(4) It shall apply to every contract in respect of which any suit is instituted or which is put in issue in any suit after the commencement of this Regulation.

Substitution of a new section for Section 16 of the Indian Contract Act, 1872.

2. Section 16 of the Indian Contract Act, 1872, shall be repealed and the following substituted therefor, namely :—

"Undue influence" defined.

"16 (1) A contract is said to be induced by "undue influence" where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses that position to obtain an unfair advantage over the other.

(2) In particular and without prejudice to the generality of the foregoing principle, a person is deemed to be in a position to dominate the will of another—

(*a*) where he holds a real or apparent authority over the other, or where he stands in a fiduciary relation to the other; or

(*b*) where he makes a contract with a person whose mental capacity is temporarily or permanently affected by reason of age, illness, or mental or bodily distress.

(3) Where a person who is in a position to dominate the will of another, enters into a contract with him, and the transaction appears, on the face of it or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other.

Nothing in this sub-section shall affect the provisions of Section 111 of the Indian Evidence Act, 1872, as applied to Mysore.

Illustrations.

(*a*) A having advanced money to his son B, during his minority, upon B's coming of age obtains by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.

(*b*) A, a man enfeebled by disease or age, is induced, by B's influence over him as his medical attendant, to agree to pay B an unreasonable sum for his professional services. B employs undue influence.

(*c*) A being in debt to B, the money-lender of his village, contracts a fresh loan on terms which appear to be unconscionable. It lies on B to prove that the contract was not induced by undue influence.

(*d*) A applies to a banker for a loan at a time when there is stringency in the money market. The banker declines to make the loan except at an unusually high rate of interest. A accepts the loan on these terms. This is a transaction in the ordinary course of business, and the contract is not induced by undue influence."

Amendment of Section 19 and addition of a new section after that section.

3. In Section 19 of the said Act, the words "undue influence" shall be repealed and after the same section, the following new section shall be inserted, namely :—

Power to set aside contract induced by undue influence.

"19 A. When consent to an agreement is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.

Any such contract may be set aside either absolutely or, if the party who was entitled to avoid it has received any benefit thereunder, upon such terms and conditions as to the Court may seem just.

Illustrations.

(*a*) A's son has forged B's name to a promissory note. B, under threat of prosecuting A's son, obtains a bond from A for the amount of the forged note. If B sues on this bond, the Court may set the bond aside.

(*b*) A, a money lender, advances Rs. 100 to B, an agriculturist, and, by undue influence, induces B to execute a bond for Rs. 200 with interest at 6 per cent per month. The Court may set the bond aside, ordering B to repay the Rs. 100 with such interest as may seem just."

Amendment of sub-section (1) of Section 25 of the Indian Contract Act, 1872.

4. The word "documents" shall be substituted for the word "assurances" occurring in sub-section (1) of Section 25 of the said Act.

Amendment of para 1 of Section 43 of the Indian Contract Act, 1872.

5. The words "one or more" shall be substituted for the word "one" in para 1 of Section 43 of the said Act.

Amendment of illustration (*e*) to Section 63 of the Indian Contract Act, 1872.

6. The word "composition", shall be substituted for the word "compensation" occurring in the illustration (*e*) to Section 63 of the said Act.

Amendment of Section 74 of the Indian Contract Act, 1872.

7. (1) Paragraph 1 of Section 74 of the said Act shall be repealed and the following substituted therefor, namely :—

Compensation for breach of contract, where penalty stipulated for.

"74. When a contract has been broken, if a sum is named in the contract as the amount to be paid in case of such breach, or if the contract contains any other stipulation by way of penalty, the party complaining of the breach is entitled, whether or not actual damage or loss is proved to have been caused thereby, to receive from the party who has broken the contract reasonable compensation not exceeding the amount so named or, as the case may be, the penalty stipulated for.

Explanation.—A stipulation for increased interest from the date of default may be a stipulation by way of penalty."

(2) The following illustrations shall be added after illustration (*c*) to the said section; namely :—

"(*d*) A gives B a bond for the repayment of Rs. 1,000 with interest at 12 per cent at the end of six months, with a stipulation that, in case of default, interest shall be payable at the rate of 75 per cent from the date of default. This is a stipulation by way of penalty and B is only entitled to recover from A such compensation as the Court considers reasonable.

(*e*) A, who owes money to B, a money-lender, undertakes to repay him by delivering to him ten maunds of grain on a certain date and stipulates that, in the event of his not delivering the stipulated amount by the stipulated date, he shall be liable to deliver twenty maunds. This is a stipulation by way of penalty and B is only entitled to reasonable compensation in case of breach.

(*f*) A undertakes to repay B a loan of Rs. 1,000 by five equal monthly instalments with a stipulation that, in default of payment of any instalment, the whole shall become due. This stipulation is not by way of penalty, and the contract may be enforced according to its terms.

(*g*) A borrows Rs. 100 from B and gives him a bond for Rs. 200 payable by five yearly instalments of Rs. 40, with a stipulation that, in default of payment of any instalment, the whole shall become due. This is a stipulation by way of penalty."

STATEMENT OF OBJECTS AND REASONS.

The law on the subject of contract in force in the State is the British Indian Act, IX of 1872, with the amendments made by the Indian Contract Act Amendment Act, IV of 1886. The Act has since been amended in British India by Acts XII of 1891 and VI of 1899. It has now been considered desirable to introduce these amendments into the Act as in force in the State also, and thus assimilate the law on the subject with that in British India. The members of the Representative Assembly have also desired that action might be taken in this direction very early. Hence the present Bill. The notes on the clauses explain the changes which are intended to be introduced into the Act by the Bill.

Notes on clauses.

1. *Clause 2.*—The definition of "undue influence" contained in Section 16 of the existing Act is not comprehensive enough and is merely an enumeration of two

common classes of cases of undue influence. It is now proposed to state the law of undue influence in the form of the general principles on which it has been determined by courts of equity.

2. *Clause 3.*—Where a contract has been obtained through undue influence, the existing Act simply makes it voidable at the option of the party who gave such a consent. It is now proposed to give a wider discretion to the Courts in dealing with such cases. The new Section 19 A accordingly gives power to them to relieve the party who acted under such influence even though he may have received some benefit under the contract, subject to the condition that the Court may impose such terms upon the party seeking relief, as to it may seem just.

3. *Clause 7.*—This amplifies the scope of the existing Section 74 so as to make it applicable in terms to all stipulations by way of penalty, whether the penalty consists of a sum named in the contract or not, and is intended to relieve the debtors to some extent from payment of exorbitant interest. The members of the Representative Assembly in 1909 prayed that Civil Courts may be empowered to relieve the debtors in cases where parties have contracted to pay usurious rates of interest. The section as now amended is deemed sufficient to enable the Courts to give parties all reasonable relief.

Clause 1 (4) is intended to make the provisions of the Bill applicable to pleas of unconscionable bargain set up by defendants in all suits after the commencement of the Regulation whether the bargain was made before or after the commencement of the Regulation.

The changes proposed to be introduced by clauses 4, 5 and 6 are of a purely verbal character and call for no explanation.

REGULATION No. VIII OF 1911.

(Received the assent of His Highness the Maharaja on the 19th day of June 1911.)

A Regulation to consolidate and amend the law relating to Courts of Small Causes in Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Courts of Small Causes in Mysore; His Highness the Maharaja is pleased to enact as follows :—

Title, extent and commencement.

1. (1) This Regulation may be called "The Mysore Small Cause Courts Regulation, 1911."

(2) It extends to the whole of Mysore.

(3) It shall come into force on the 1st day of July 1911.

But the provisions of Section 8 shall come into force only in such Courts and from such dates as may be notified by Government in the official Gazette.

Repeal of Act XI of 1865.

2. (*a*) From and after that date, Act XI of 1865 as applied to Mysore by the Notification of the Government of India in the Foreign Department, No. 31—I. J., dated the 28th January 1880, shall be repealed.

Amendment of the Mysore Civil Courts Regulation.

(*b*) The enactment referred to in Schedule II is amended to the extent specified therein.

Construction of references to Act XI of 1865.

(*c*) Any enactment or document referring to Act XI of 1865 shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Savings.

3. Nothing in this Regulation shall be construed to affect—

(*a*) any proceedings before or after decree in any suit instituted before the commencement of this Regulation; or

(*b*) any local or any special law other than the Code of Civil Procedure.

Cognizance of suits by Courts of Small Causes.

4. All suits of the classes specified in Schedule I in which no relief is claimed in respect of immovable property and of which the value does not exceed such sum not exceeding Rs. 500 as may be fixed in each case by the Government in this behalf, shall be cognizable by a Court of Small Causes; and no other suits shall be so cognizable. Provided that the Government may at any time add to or vary the schedule by a notification published in the official Gazette.

Exclusive jurisdiction of Courts of Small Causes.

5. Save as expressly provided by this Regulation or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.

Return of plaints in suits involving questions of title to immovable property.

6. (1) Notwithstanding anything in the foregoing portion of this Regulation, when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immovable property, the Court may, at any stage of the proceedings, return the plaint to be presented to a Court having jurisdiction to determine the title.

(2) When a Court returns a plaint under sub-section (1), it shall comply with the provisions of the Code of Civil Procedure regarding the return of plaints and make such order with respect to costs as it deems just, and the Court shall, for the purposes of the Mysore Limitation Regulation, be deemed to have been unable to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction.

Non-suiting in certain cases.

7. In every case in which satisfactory proof shall not be given entitling either the plaintiff or the defendant to judgment, a Court of Small Causes shall have power to non-suit the plaintiff, subject to such orders as to costs as the Court may in each case think fit: provided that a plaintiff who has been non-suited under this section may, subject to the law of limitation, bring a fresh suit on the same cause of action.

Trial by composite Court.

8. In all suits where the amount claimed shall exceed fifty rupees, it shall be lawful for the plaintiff or the defendant to require the suit to be tried by a composite Court, on his depositing such costs and furnishing such security and giving such notice as may be determined by the Court, in accordance with rules to be framed in this behalf by the Chief Court.

Where such an application has been made and allowed, the case shall be heard by a Court composed of the Judge before whom the suit has been instituted and three jurors to be selected in accordance with rules to be framed in this behalf by the Chief Court.

The Judge shall settle what are the questions of law and what the questions of fact arising in the case, and he shall have the sole power to decide the questions of law. He shall preside at the trial and shall have a casting vote whenever the members are equally divided in opinion, and judgment shall be delivered in accordance with the opinion of the majority of the members of the composite Court on all questions of fact.

The rules to be framed by the Chief Court under this section shall be subject to the previous sanction of Government.

Appeals from certain orders of Courts of Small Causes.

9. Where an order specified in Section 104, clause (1) (*h*), of the Code of Civil Procedure, is made by a Court of Small Causes, an appeal therefrom shall lie to the District Court.

Revision of decrees and orders of Courts of Small Causes.

10. The Chief Court, for the purpose of satisfying itself as to the correctness, legality or propriety of a decree or order made in any case decided by a Court of Small Causes, may call for the case and pass such order with respect thereto as it thinks fit.

Finality of decrees and orders.

11. Save as provided by this Regulation, a decree or order made under the foregoing provisions of this Regulation by a Court of Small Causes shall be final.

Application of Regulation and Code to Court invested with jurisdiction of a Court of Small Causes as to two Courts.

12. A Court invested with the jurisdiction of a Court of Small Causes, with respect to the exercise of that jurisdiction, and the same Court with respect to the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, shall, for the purposes of this Regulation and the Code of Civil Procedure, be deemed to be different Courts.

Provided that when, in exercise of the jurisdiction of a Court of Small Causes, a Court invested with that jurisdiction sends a decree for execution to itself as a Court having jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, it shall not be necessary, unless the Court otherwise directs, to send the documents prescribed by the Code of Civil Procedure in the case of transfer of decrees for execution from one Court to another.

Continuance of proceedings of abolished Courts.

13. (1) Where a Court of Small Causes or a Court invested with the jurisdiction of a Court of Small Causes has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to the case, whether before or after decree, which, if the Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court which, if the suit out of which the proceeding has arisen were about to be instituted, would have jurisdiction to try the suit.

(2) Nothing in this section applies to cases for which special provision is made in the Code of Civil Procedure, as extended to Courts of Small Causes, or in any other enactment for the time being in force.

SCHEDULE I.

Suits cognizable by Courts of Small Causes.

(See section 4.)

(1) A suit for money lent;
(2) A suit for money by or against a surety;
(3) A suit for the price of goods sold;
(4) A suit for money on a contract for work and labour;
(5) A suit for money on a contract of hiring and service;
(6) A suit for rent when there is an express agreement to pay;
(7) A suit for payment for board or lodging;
(8) A suit for money received by defendant for plaintiff's use;
(9) A suit for money paid to defendant by mistake or money overpaid;
(10) A suit for money paid or goods delivered at defendant's request;
(11) A suit for damages for breach of a contract of sale of goods;
(12) A suit for money deposited;
(13) A suit for recovery of specific movable property pledged or deposited with the defendant, or its value.

SCHEDULE II.

AMENDMENT OF THE MYSORE CIVIL COURTS REGULATION, I OF 1883.

Section 3.—The word "four" shall be substituted for the word "three" and the words "4thly, the Court of Small Causes" shall be inserted after the words "3rdly, the Court of the Munsiff."

Section 4 (*a*).—The words "and of the Courts of Small Causes" shall be inserted after the word "Munsiffs."

Section 5—The words "or of a Court of Small Causes" shall be inserted after the word "Munsiff."

Section 10A.—After Section 10, the following new section shall be added, namely:—

"10A. The jurisdiction of a Court of Small Causes shall be regulated in accordance with the law relating to such Courts for the time being in force in Mysore."

Section 19.—The conjunction "or" occurring after the words "Subordinate Judge" shall be omitted and the words "or a Judge of a Court of Small Causes" shall be inserted after the word "Munsiff."

Section 21.—The word "and" occurring before the word "Munsiffs" shall be omitted and the words "and Judges of Courts of Small Causes" shall be inserted after the said word.

T. ANANDA ROW,
Dewan.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 27.

BANGALORE, THURSDAY, JULY 6, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION—

No. 374—L. C., dated 30th June 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the Protection of Judicial Officers is published for general information with a Statement of Objects and Reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill for the Protection of Judicial Officers.

Preamble.

WHEREAS it is considered expedient to provide for the greater protection of Judges, Magistrates and others acting judicially; His Highness the Maharaja is pleased to enact as follows:—

Non-liability to suit of officers acting judicially for official acts done in good faith and of officers executing warrants and orders.

1. No Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction:

Provided that he, at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of:

And no officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Deputy Commissioner or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

2. Section 152A of the Code of Civil Procedure, 1911, shall be repealed.

STATEMENT OF OBJECTS AND REASONS.

Although provision has been made in several of the existing enactments for the protection from civil liability of officers acting in a judicial capacity, Government consider it desirable to provide for such protection in a single enactment.

On the recommendation of the Select Committee of the Mysore Legislative Council that considered the Code of Civil Procedure Bill, the Judicial Officers' Protection Act, XVIII of 1850, of the Government of India has been taken as the basis of the present draft Regulation. Clause 2 of the Bill repeals Section 152 A of the new Civil Procedure Code as it will not be necessary after the passing of this Bill.

NOTIFICATION.

No. 1—*L. C. Enc. 1, dated* 1*st July* 1911.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Indian Evidence Act as in force in Mysore, is published for general information.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Indian Evidence Act as in force in Mysore.

We, the members of the above Committee, have the honour to state that we have carefully considered the Bill and are of opinion that it calls for no alteration and may therefore be passed in the form in which it was introduced.

12th June 1911, Mysore.

H. V. NANJUNDAYYA.
D. DEVARAJ URS.
S. NARAYANA RAO.
C. SRINIVASIENGAR.
M. C. RANGIENGAR.
SYED AMIR HASSAN.
D. VENKATARAMAIYA.
A. RAMANNA.

NOTIFICATION.

No. 2—L. C. Enc. 2, dated 1st July 1911.

Under Rule 40 of the Rules for the conduct of Business of the Mysore Legislative Council, the accompanying report of the Select Committee on the Bill to provide for the Prevention of Smoking by Juveniles in Mysore is published for general information with the Bill as amended by the Committee.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to provide for the prevention of Smoking by Juveniles.

We, the members of the above Committee, have the honor to submit the following report on the Bill.

1. *Clause 1 (1).*—The word "Mysore" occurring in the short title of the Bill has been omitted as unnecessary.

2. *Clause 2.*—The question whether the chewing of tobacco and taking it in as snuff should also fall within the scope of the Bill was considered by us and we came to the conclusion that in order that the use of tobacco by youths may be effectively prevented, it would be better to provide for such use of it as well.

3. *Clauses 3 and 4.*—As according to the definition "tobacco" includes "cigars and cigarettes," we have omitted these words from these clauses. The words "cigarette papers" have also been omitted, as the use of tobacco by juveniles after rolling it into cigarettes with cigarette papers is rare and the provision may cause inconvenience to adults, who will have to give written permission if on any occasion it should be necessary for them to send boys to purchase such papers for their (adults') own use.

4. *Clauses 5 and 7.*—To make the idea in clause 5 complete, we have added the words "and at once set him free" at the end of this clause and have recast clause 7 suitably. In cases where the police find it difficult to produce persons apprehended for an offence under the Bill before a Magistrate early, and to prevent the detention of such persons in the police custody for an unnecessarily long time, provision has been made in clause 7 requiring that such persons shall be released on an undertaking in writing being given by their parent, guardian or some responsible person for their production when called for. With these alterations, clause 7 will read as follows:—

"7. If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released."

5. *Clause 6.*—We have substituted the words "the Officer in charge of the said Police Station" for the words "the said Police Officer" in this clause.

6. *Clause 8.*—Under Section 64 of the Indian Penal Code, it would be competent to a Magistrate to award imprisonment in default of payment of fine imposed under this clause. The object of the Bill being mainly educative, we are of opinion that no imprisonment should be awarded under it either as a substantive punishment or in default of payment of fine. We have accordingly added a proviso to this clause.

7. We recommend that the Bill as thus amended by us be adopted by the Council.

H. V. NANJUNDAYYA.
D. DEVARAJ URS.
S. NARAYANA RAO.
C. SRINIVASIENGAR.
M. C. RANGIENGAR.
SYED AMIR HASSAN.
D. VENKATARAMAIYA.

Mysore,
12th June 1911.

A Bill to provide for the Prevention of Smoking by Juveniles.

(As amended by the Select Committee.)

[*N. B.*—The portions in square brackets are those omitted and those in italics are those newly added by the Select Committee.]

Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title.

1. (1) This Regulation shall be called "The [Mysore] Prevention of Juvenile Smoking Regulation"

Extent and commencement.

(2) It shall extend to the whole of Mysore; and

(3) It shall come into force from

Interpretation.

2. In this Regulation unless there is something repugnant in the subject or context:—

Police Officer.

"Police Officer" shall mean a member of the Regular Police Force appointed under the Mysore Police Regulation, 1908, as well as a member of the Village Police Force appointed under the Rules for the organisation and regulation of the Village Police for the time being in force.

"Tobacco" shall mean tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.

Tobacco.

3. If any person sells to a person apparently under the age of sixteen years, except on the written order of the parent, guardian or employer of such last-named person, any [cigars, cigarettes] tobacco [or cigarette papers], he shall be liable, on conviction before a Magistrate, in the case of a first offence, to a fine not exceeding twenty rupees, and in the case of a second offence, to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.

Penalty on selling tobacco to youthful persons.

4. It shall be the duty of a Police Officer to seize any [cigars, cigarettes] tobacco [or cigarette papers] in the possession of any person apparently under the age of sixteen whom he finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.

Seizure of tobacco.

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school *and at once set him free.*

Tobacco seized how dealt with.

6. The [said Police] Officer *in charge of the said Police Station* shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

Notice to be given after seizure.

7. [The person who had the articles in his possession shall be set free, except in the case of a seizure after the lapse of three months from the date of the issue of any notice under the last preceding section, in which case, he may be sent in custody before the nearest Magistrate.]

Person found with tobacco how dealt with.

If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline. *Provided that no imprisonment shall be awarded in default of payment of fine.*

Punishment.

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

Whipping.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 28.

BANGALORE, THURSDAY, JULY 13, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 73—*S. R.* 61-09-13, *dated 7th July* 1911.

The Government of His Highness the Maharaja of Mysore are pleased to direct that Notification No. 308, dated 29th January 1884, directing that an Officer in charge of a Sub-Division of a District be deemed to be the Collector (Deputy Commissioner) within the meaning of the Indian Stamp Act, I of 1879, be cancelled.

No. Fl. 110—*S. R.* 230-09-2, *dated* 11*th July* 1911.

In exercise of the powers conferred by Section 75 of the Stamp Regulation, II of 1900, the Government of His Highness the Maharaja of Mysore are pleased to make the following rule :—

" Whenever an instrument, stamp paper, or other document is presented by a person for cancellation, impression of stamp or such other purpose involving the transmission of the paper presented from one office to another, such document will be transmitted through registered post only when the person so desires and deposits with his application a sum sufficient to cover the postal registration charges required for such transmission. But if the party does not do so, the paper will be sent by ordinary post ' On Mysore Government Service,' the party taking the risk of miscarriage or loss."

By Order,

C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 29.

BANGALORE, THURSDAY, JULY 20, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 288—*Legis.* 34-10-4, *dated* 19*th July* 1911.

In exercise of the powers conferred by the Mysore Game and Fish Preservation Regulation, 1901, the Government of His Highness the Maharaja of Mysore are pleased to direct that the following be substituted for para 1 of existing Rule 3 of the Rules framed under the Regulation :—

"3. (1) The killing or capture of birds with bright coloured plumage, of peafowl and (except as provided in para 2 of this rule) of antelope, is prohibited for a further period ending with the 15th June 1914.

The killing or capture of male bison is prohibited for a period of five years commencing from the date of the issue of this notification."

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government, General and Revenue Departments.

No. 31—L. C., dated Bangalore, 13th July 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill further to amend the Mysore Court Fees Regulation, 1900, is published for general information with a statement of objects and reasons.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Court Fees Regulation, 1900.

Whereas it is expedient further to amend the Mysore Court Fees Regulation, 1900; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Amendment of Section 4, sub-head V.

1. The following shall be substituted for sub-clause (*b*) of clause A under sub-head V of Section 4, namely:—

(*b*) "Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently,—

five times the revenue so payable;"

STATEMENT OF OBJECTS AND REASONS.

Under Section 4 of the Mysore Court Fees Regulation, 1900, the court fee in respect of suits relating to lands in Government villages is calculated at ten or five times the assessment on the lands according as they are situate in permanently or temporarily settled villages, while the court fee payable in respect of suits for lands in Inam villages is calculated either on fifteen times the net profits where such profits have arison from the lands during the year next before the date of presenting the plaint, or on their market-value. It has been represented by the members of the Representative Assembly that this works as a hardship in the case of holders of lands in alienated villages, and that the rule in respect of lands in Government villages should be extended at least to lands in alienated villages into which Survey and Settlement has been introduced. The Government are of opinion that the representation is a reasonable one and accordingly propose to place such lands for purposes of valuation under Section 4 of the Court Fees Regulation in the same category as lands situate in Government villages which are not permanently settled.

No. 33—*L. C., dated Bangalore, 19th July* 1911.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to further amend the Mysore Land Revenue Code, 1888, is published for general information with a Statement of Objects and Reasons :—

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Land Revenue Code, Regulation No. IV of 1888.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Insertion of a new section before Section 97.

1. The following new section shall be inserted under the heading "Recovery of superior holders' dues" and before Section 97 as Section 96 A, *viz.*,—

Land Revenue payable to a superior holder by an inferior holder to be a first charge on the holding.

"96 A. Any rent or land revenue (together with interest at rates fixed by any rules framed by Government under Section 154) payable by an inferior holder to a superior holder shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of the Government or any right or encumbrance

created by the inferior holder with the consent of the superior holder in writing registered or before the date of this Regulation coming into force."

Amendment of proviso to Section 97.

2. The words "within two years from the end of the revenue year or the year of tenancy" shall be substituted for the words "within the revenue year or within the year of tenancy" in the proviso to Section 97.

Amendment of Schedule I to the Mysore Limitation Regulation, 1911.

3. The following article shall be inserted after Article 119 of the first schedule to the Mysore Limitation Regulation, 1911, *viz.*—

"119 A. By a superior holder to recover arrears of revenue from an inferior holder.	Six years.	The end of the revenue year for which the amount became due."

STATEMENT OF OBJECTS AND REASONS.

In the case of N. Subba Rao *vs.* Veera Naika decided in 1906 (Volume XI, Mysore Chief Court Reports, page 118) a majority of the Judges of the Chief Court of Mysore held that the money payable by an inferior holder (whether a *kadim* tenant or not) to a superior holder in respect of land in an alienated village was not a charge on the holding in respect of which the arrears accrued, and that the period of limitation applicable to suits for the recovery of such dues was six years.

2. This decision is represented as working great hardship on the Inamdars in the State. They complain that in the absence of a charge on the holding, it is nearly impossible for them to recover their dues, particularly in cases of fradulent alienation of the land by the inferior holder. As the alienees of rent or land revenue, they represent that the arrears due to them may be regarded as a paramount charge on the land, in the same manner as the assessment due to Government in respect of Government lands.

3. The representation of the Inamdars appears to the Government to be reasonable. In their opinion, there can be no injustice in imposing on the land held by the tenants in Inam villages an obligation which rests on all lands in Government villages in respect of the revenue payable to Government. It may be noted that, under the Madras Estates Land Act of 1908, which applies to Zamindaries and Inam villages, a right of first charge has been conceded to the owners of estates.

4. This Bill has been prepared with the object of allowing to the Inamdars in this State the same right, *viz.*, of treating the rent or revenue due to them as a first charge on the holding. Government, as at present advised, do not propose to allow the Inamdars' dues to be treated as a paramount charge and prefer to leave the question open for consideration by the Select Committee of the Legislative Council. Nor do they consider it desirable that the period of limitation applicable to suits for the recovery of these arrears should be extended to twelve years. In Bombay, six years is the period applicable to such suits and this has been adopted in the Bill.

5. Clause 2 of the Bill refers to a slight alteration in Section 97 of the Land Revenue Code under which a superior holder may seek the assistance of the Deputy Commissioner to recover his arrears from the inferior holder "within the revenue year or within the year of tenancy." This period is very often too short, and more especially in a year of scarcity when the ryot may not be able to pay up the kandayam within 12 months of a poor harvest. In his own interests it may be necessary to allow a longer time for the recovery by the Inamdar of the arrears due to him. It is considered that a period of two years is sufficient, though if the Select Committee insist upon it, the Government will be prepared to accede to a term of three years.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 31.

BANGALORE, THURSDAY, AUGUST 3, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. J. 420—*Legis.* 20-10-4, *dated Bangalore, 2nd August* 1911.

ERRATUM.

In the Code of Civil Procedure, Regulation III of 1911, published in Part III of the *Mysore Gazette* dated the 8th June 1911, make the following corrections :—

Page 117, *Section* 63, *line* 4.	....	For "claims" read "claim."
Page 155, *Order V, rule* 29, *line* 3	....	For "persons" read "person."
Page 168, *Order XI, rule* 21, *line* 6	....	For "Possession" read "Position."
Page 184, *Order XXI*	....	For rule "4" read rule "3."
Page 201, *Order XXI, rule* 63, *marginal note, line* 1.		For "savings" read "saving."
Page 209, *Order XXII*	....	Omit marginal note now placed against rule 4 (3 and read it against rule 6, and omit marginal note now placed against rule 6 and read it against rule 5.
Page 216, *Order XXVIII, rule* 1 (2), *line* 6.		Insert the word "other" between the words "or" and "superior."
Page 230, *Order XXXV*	....	For rule "7" read rule "6."
Page 231, *Order XXXVII, rule* 2 (1) *marginal note, line* (1).		Insert the word "of" after the word "institution."
Page 234, *Order XXXIX, rule* 2, *line* 8.		For "injures" read "injury."
Page 282, *Appendix D, Form* 17, *para* 3, *last line.*		For "contained" read "continued."
Same form para 6, 1*st line*	....	For "any" read "an."
Page 285, *Appendix* E, *Form No.* 4, *line* 4.		Insert the word "of" between the words "copy" and "which."
Page 294, *Appendix E, Form No.* 31, *line* 2.		For "on" read "of."

Page 300, *Appendix F*, *Form No.* 6, *line* 8.	For "19" read "1911."
Page 302, *Appendix G*, *Form No.* 7, *line* 9.	Insert the word "to" between the words "is" and "give."
Page 313, *Second Schedule*, *para* 17, *sub-para*, (4) *line* 2.	For "or" read "of."
Page 315, *Third Schedule*, *para* 4 (2), *line* 4.	For "or" read "of."

No. J. 444—*Legis.* 7-11-1, *dated 2nd August* 1911.

In exercise of the power conferred by Section 5 of the Mysore Legislative Council Regulation, 1907, the Government of His Highness the Maharaja are pleased to direct that the following rule be substituted for Rule V of the Rules published under Notification No. J. 794—Legis., dated the 15th September 1909, prescribing the conditions under which two non-official members of the Legislative Council may be selected for nomination.

"V. When either of the members so nominated has to vacate his seat by efflux of time under Section 6 of the Regulation, an election shall be held for filling up the vacancy in accordance with these rules at the annual session of the Assembly either immediately preceding or immediately following the date of such vacancy whichever is nearer. In case of a vacancy occurring otherwise than by efflux of time, an election to replace him shall be held in accordance with these rules, at the next succeeding session."

By Order,

C. S. BALASUNDARAM IYER,

Officiating Secretary to Government,

General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 33.

BANGALORE, THURSDAY, AUGUST 17, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. R. 1141—*L. R.* 205-10-3, *dated* 15*th August* 1911.

In exercise of the powers conferred by Section 233 of the Land Revenue Code, the Government of His Highness the Maharaja of Mysore are pleased to direct under Section 22, that Rule 8 of the rules under the Land Revenue Code, issued with Notification No. 264—R. 122, dated the 10th July 1901, be amended as follows:—

(i) Substitute the following for Rule 8 (*b*):—

"The security required should be furnished within one month after the date of appointment, either by deposit of cash in a Government Treasury or Government Savings Bank or by deposit of Government paper duly endorsed and accompanied by a power to sell and the appointment will be liable to be cancelled if the prescribed security is not so furnished by him."

(ii) Omit Rules 8 (*d*), (*e*) and (*f*).

(iii) Number the Rules (*g*) and (*h*) as (*d*) and (*e*).

No. 1429—*Mun.l.* 43-11-2, *dated* 16*th August* 1911.

In exercise of the powers vested in them by Section 26 of the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, the Government of His Highness the Maharaja of Mysore are pleased to direct that, within the local area comprised in the limits of the Shimoga Town Municipality, any owner or keeper of cattle generally, who, through neglect or otherwise, damages, or causes or permits to be damaged, any land, or any crop or produce of land, or any public road, by allowing such cattle to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding ten rupees, and that this notification shall remain in force for a period of six months from this date.

By Order,

C. S. Balasundaram Iyer,

Officiating Secretary to Government,

General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 35.

BANGALORE, THURSDAY, AUGUST 31, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 880—*S. R.* 8-10-3, *dated 25th August* 1911.

In exercise of the powers conferred by the Mysore Forest Regulation, 1900, and of all other powers enabling them in this behalf, the Government of His Highness the Maharaja are pleased to direct that the following amendments be made in the Rules issued under Government Notification No. 14550—Legis. 103, dated 1st May 1901, to regulate the cutting and removal of leaves from date trees and of dead date wood on lands at the disposal of Government other than State Forests :—

(1) The following shall be inserted as Rule I A :—

"I A. No person shall cut or remove dead date wood or leaves from date trees except under a license obtained in accordance with the rules herein laid down."

(2) Clause (*c*) of Rule II shall be deleted.

(3) The words "The District Excise Officer" shall be inserted between the words "Amildar" and "or" in line 2 of Rule IV.

(4) The rules thus amended will read as follows :—

In exercise of the powers conferred by the Mysore Forest Regulation, XI of 1900, and of all other powers enabling them in this behalf, the Government of Mysore are pleased, in supersession of the existing rules on the subject, to prescribe the following rules to regulate the cutting and removal of leaves from date trees, and of dead date wood, on lands at the disposal of Government other than State Forests.

I. A license under the Excise laws or rules does not entitle the holder to cut or use leaves from date trees except such as must necessarily be removed for the purpose of drawing toddy.

I A. No person shall cut or remove dead date wood or leaves from date trees except under a license obtained in accordance with the rules herein laid down.

II. (*a*) In localities where date groves are in excess of the demand for toddy or may not be required for the supply of toddy elsewhere, or where *Kir îchal* (*Phœnix farinifera*) is not available, cultivating raiyats who are not professional rope-makers, basket-makers or mat-makers will be allowed, free of charge, the use of date leaves required for making ropes or for other *bonâ fide* agricultural purposes.

(*b*) In localities to be specified by the Deputy Commissioner, manufacturers of jaggory, as well as potters who pay mohatarfa tax, may be permitted to remove dry date leaves for fuel, free of charge.

III. Professional rope-makers, basket-makers, mat-makers and others not entitled to use date leaves free of charge, will be granted licenses for the removal of date leaves upon payment of fees according to the following scale, namely :—

For six months or less	....	....	.... Rs. 2
For more than six months or the entire year			.... „ 4

Provided that no such licenses shall be granted in localities where *Kir îchal* is available for making baskets, mats, etc., or where date trees are scarce or not more than sufficient for the purposes of toddy revenue.

IV. The licenses mentioned in Rules II and III shall be obtained, on payment of the fees if any payable, from the Taluk Amildar, the District Excise Officer or other officer empowered by the Deputy Commissioner in this behalf. Applications for licenses may be presented in person or through the village patel or hobli shekdars.

V. The licenses granted under Rules II and III shall be in the form appended to these rules ; and shall specify the number of head or cart loads permitted to be removed at a time during the period for which the licenses are granted ; and it shall be discretionary with the officer granting the license to fix the number of head or cart loads to be entered in such license, with reference to the requirements in each case.

VI. The licenses aforesaid shall not be transferable ; and no person other than the license-holder or his *bonâ fide* servant or a member of his family living with him shall cut date leaves under the license. The licenses shall be produced for inspection whenever required by any officer of the Forest, Excise, Police, or Revenue Department or village patel ; and they shall be returned to the officer issuing them immediately on the expiration of the period mentioned therein.

VII. In the cutting of date leaves the following directions shall be observed :—

(*a*) No leaves shall be cut or removed from groves set apart by the Deputy Commissioner to meet the requirements of toddy vend farmers ; nor from groves other than such as may be specified in the license.

(*b*) No leaves shall be cut from any tree from which toddy is being actually drawn or which is reserved for the purposes of toddy revenue.

(*c*) No leaves shall be cut from young immature trees the trunks of which are less than 6 feet in height from the ground to the springing of the branches.

(*d*) Only two leaves from each tree shall be removed in any one year.

(*e*) The four tender leaves including the central shoot shall on no account be removed.

VIII. In localities where it is customary to use dead date wood for building purposes, raiyats may obtain, for such purposes, date trees not fit for tapping, under licenses granted by the Deputy Commissioner or other officer empowered by him in this behalf, on the same terms as are applicable to other kinds of jungle wood.

IX. In localities where fuel is scarce, raiyats may be permitted to take free of charge dry date leaves, and dead wood unserviceable except as firewood, for *bonâ fide* private use, but not for sale.

X. In seasons of famine, scarcity or drought, raiyats may, subject to the provisions of Rule VII, be allowed to cut date leaves as fodder for cattle, in such groves as may not be reserved for the purposes of toddy revenue.

XI. The above rules shall, as far as may be, apply to the cutting and removal of bagani and palmyra dead wood, and of leaves from bagani and palmyra trees, but not to *Kir* or *Hul ichal.*

XII. Any person breaking any of the foregoing rules or any of the conditions specified in a license granted thereunder shall be liable on conviction to fine which may extend to Rs. 50, and also to the forfeiture of any license granted under these rules.

XIII. The fees levied under these rules shall not be let in farm."

FORM OF LICENSE UNDER RULES II AND III.

1. Taluk
2. Village
3. No. of license
4. Name and address of licensee
5. Profession of licensee
6. Quantity covered by the license
7. Date groves from which date leaves should be cut
8. For what purpose date leaves are required
9. Time within which the license should be returned
10. Date

Signature and designation of officer issuing the license.

No. Fl. 883—*S. R.* 8-10-4, *dated 25th August* 1911.

Under Section 59 of the Mysore Forest Regulation, 1900, the Government of His Highness the Maharaja of Mysore are pleased to invest the District Excise Officers in the State with the power to compound offences as set forth in the aforesaid section.

By Order,
C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

No. 375—*L. C., dated Bangalore,* 28*th August* 1911.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings on Monday, the 11th September 1911, at 12 noon.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 36.

BANGALORE, THURSDAY, SEPTEMBER 7, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 444, dated Bangalore, 22nd August 1911.

In supersession of the rules prescribed under Sections 11 and 28 of the Mysore Mines Regulation, III of 1897, and published under Government Notification (Geological) No. 94-M., dated 9th December 1897, and subsequently amended, the Government of His Highness the Maharaja of Mysore, in exercise of the powers conferred on them by Sections 21 and 37 of the Mysore Mines Regulation, IV of 1906, are pleased to prescribe the following Rules:—

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geol. Dept.

RULES PRESCRIBED UNDER SECTIONS 21 AND 37 OF THE MYSORE MINES REGULATION (IV OF 1906).

I. Preliminary.

1. In these Rules the word "Regulation" shall mean the Mysore Mines Regulation, IV of 1906, and all words defined in that Regulation shall have the same meaning in these Rules.

2. In these Rules—

(1) "Chief Inspector of Mines" means the Senior Inspector of Mines for the time being.

(2) "Chief Underground Agent" is the officer of the mine who is in charge of the whole of the underground portion thereof under the direction of the Superintendent.

(3) "Assistant Underground Agent" is an officer whose duty it is to assist the Chief Underground Agent.

(4) "Chief Engineer" is the officer in charge of all the machinery of the mine.

(5) "Assistant Engineer" is an officer whose duty it is to assist the Chief Engineer.

(6) "Mining Officer" includes the Superintendent, Chief Underground Agent, Chief Engineer, Accountant, Assayer and Cashier and their respective Assistants, and others holding posts of equal importance.

(7) "Underground Foreman" is a subordinate official of the mine to whom the detailed execution of part of the duties of a Chief or Assistant Underground Agent is delegated.

(8) "Timberman" means a miner whose duty it is to see that the fixing of timber is done in a proper and workman-like manner.

(9) "Workman" includes every person engaged in mining operations, and inferior in position to an Underground Foreman or Timberman.

(10) "Working place" means any place above or below ground where any mining operation is being carried on, and includes any winze, pass, way or other means of access thereto which is not used for general travelling purposes.

(11) "Working party" means a party of two or more men working at the same working place.

(12) "Blaster" means a workman employed in blasting operations, who prepares charges of explosives, charges holes and fires shots.

(13) "Mestri" means any workman in charge of a working party.

(14) "Banksman" means a workman stationed at the shaft top, specially appointed to superintend the raising and lowering of materials, tools and persons, and the transmission of signals between the shaft top and the Engine Driver and between the shaft top and the stations below ground.

(15) "Platman" means a workman specially appointed to superintend the loading and unloading of materials, tools and persons at any station below ground, and the transmission of signals between such station and the shaft top.

(16) "Contractor" is a person who contracts to drive, sink, or stope, clear dirt or do any other work for a consideration calculated on the work performed, and who employs workmen who are paid by him and are not in the direct employment of the company.

(17) "Contractor's Mestri" means any mestri in charge of a working party working under a contractor.

(18) The "Immediate Superior" of any person employed in a mine is the person, whether a Mining Officer or Foreman or Timberman or Contractor or Mestri, from whom he takes orders. In the case of a workman other than a mestri, it will generally be the person in charge of his working place.

(19) "Medical Officer" is the duly qualified person appointed by the Proprietor to have medical charge of the persons employed. Any person with the qualification required for an Assistant Surgeon in the Mysore Medical Service or any superior qualification shall be considered duly qualified for the purpose of these rules. If no Medical Officer shall be appointed by the Proprietor, the Civil or Assistant Surgeon of the District shall be the Medical Officer of the mine for the purpose of these rules.

(20) "Shaft" means any adit or vertical or inclined way or opening leading from the surface to the underground workings or from one portion of the underground workings to another, which is or might be used for winding, draining, travelling or ventilating purposes in connection with prospecting or mining operations.

(21) A "Sinking Shaft" is a shaft exclusively devoted to its depth being increased.

(22) "Winze" means a small underground shaft, either vertical or inclined.

(23) "Timber work" shall include masonry, iron-work or other means of securing ground.

(24) The expression "these rules" includes any general or special rules prescribed by the Government under Sections 21, 22 and 37 of the Mysore Mines Regulation, 1906.

II. Protection of the Surface.

3. Places where mining operations have caused large cracks and falls of earth on the surface, or where such are likely to occur, must be properly fenced in.

4. For the protection of public squares, roads, railways, cemeteries, rivers, water-rights, buildings and other property on the surface, the reefs, or other mineral deposits must be left intact for such depth below them and for such horizontal distance as an Inspector of Mines shall prescribe.

5. All excavations made contrary to the provisions of the preceding rule shall be immediately filled up with rock, sand or earth by the person or persons responsible for such excavations, failing which they shall be filled up by the Proprietor of the mine or by the Government at his expense.

6. The top and side entrances of all shafts that are more than 10 feet deep must be kept securely fenced or covered, except so far as may be necessary to allow of mining operations being efficiently carried on. The fence may be removed for necessary work if due precautions are taken.

7. When any shaft, trench or other excavation more than 10 feet deep, made in the course of mining operations, is or has been abandoned or the working thereof discontinued at whatever time the abandonment or discontinuance occurs, the Mining Proprietor and every other person interested in the land in which such excavation is situated shall, without delay, either fill up such shaft, trench or other excavation, or protect the same by a substantial stone barrier on all sides at least 3 feet, 6 inches high and 2 feet thick.

Provided that this rule may be relaxed with the consent of an Inspector of Mines or of the Deputy Commissioner of the District in the case of an open working of which no side has a steeper slope than 45°, and which is not considered to be dangerous.

8. In digging prospecting trenches the materials excavated must be used to form approximately equal ridges on all sides.

9. In open workings the overburden and all loose ground and materials shall be removed sufficiently far from the edge or otherwise, and made secure to prevent danger to persons employed in the mine.

10. The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material, and no side shall be cut or worked so that any portion of it projects or overhangs.

11. When any side of an excavation or open working, or portion thereof, which exceeds 10 feet in depth, has a slope which is steeper than 45°, the top of such side shall be protected by a suitable fence or barrier to prevent persons inadvertently falling into or entering the same.

12. Entrance to, or working in, any portion of an open working which is considered to be dangerous is prohibited, and access thereto shall be prevented as far as possible by efficient barriers.

13. Inadvertent access to water which contains poisonous or injurious chemicals used in mining operations must be prevented by fencing or other effectual means, and notices must be put up in suitable places warning persons against using such water.

III. Workmen.

14. Registers shall be kept at every mine of (1) the names of all persons directly employed by the Proprietor; (2) the names of all contractors with the number of persons they respectively employ; (3) the names of all platmen, mestris, blasters and engine drivers (if any) employed by contractors; (4) the number of females engaged in mining operations; (5) the number of persons below the age of twelve years engaged in mining operations.

The register shall also state whether such persons are employed above or below ground.

15. Every driver of a winding engine or locomotive and every blaster and underground mestri is required to hold a certificate in that capacity from an Inspector of Mines or one of his Assistants duly authorized to grant such certificates.

If in the opinion of an Inspector of Mines the holder of the certificate has been guilty of negligence or of misconduct in connection with the discharge of his duties, his certificate may be suspended or cancelled by an Inspector of Mines subject to confirmation by the Chief Inspector of Mines.

16. The following fees shall be paid by each applicant for a certificate under the preceding rule :—

	Rs.
Engine-driver, 1st class	15
Do 2nd class	5
Underground Mestri	5
Blaster	5

[NOTE.—Engine-drivers of the 2nd class are not permitted to raise and lower persons except with the special sanction of an Inspector of Mines.

Underground Mestris presenting themselves for examination may at the same time qualify as blasters without payment of any additional fee.]

17. Every applicant shall appear before an Inspector of Mines for examination and, after satisfying the latter as to his competency, shall be entitled to receive a certificate and a metal check marked with the registered number of the certificate.

Any applicant who fails to obtain a certificate may reappear for examination on payment of half the original fee prescribed by Rule 16.

18. Every certificate granted under these rules shall be kept in the possession of the Superintendent of the Mine at which the holder thereof is employed, and when the holder ceases to be employed at that Mine, the certificate shall be returned at once to the office of the Inspector of Mines, Oorgaum.

19. The metal check given with each certificate shall remain always in the possession of the certificate-holder and must not be transferred or disposed of in any way. The possession of these checks by any person other than the holder of the corresponding certificate is strictly prohibited, and any person finding one shall return it to the office of the Inspector of Mines, Oorgaum, without delay.

20. Any person who engages a workman who is new to the Mine must arrange that he is properly looked after until he is acquainted with the Mine.

21. Any workman sending a substitute in his place shall first obtain the permission of his immediate superior, and shall at the same time inform him whether the substitute is acquainted with the Mine. If he is not, the person so informed shall see that he is properly looked after. In the case of a substitute for a mestri or blaster, the consent of an Underground Agent ; and in the case of a substitute for an engine-driver, the consent of an Engineer must be obtained.

22. At every mine a room must be provided, proportionate in size to the number of persons employed and likely to require such a room, where underground workmen can change and dry their clothes. Engine and boiler rooms must not be used for this purpose.

23. No person shall be employed underground or in attendance on machinery who is under the age of twelve years.

IV. Underground Workings.

24. Every working place where work is being carried on shall be placed under the charge of an Underground Foreman or Timberman in the direct employment of the Company or a certified mestri or blaster who shall be responsible for the safety of such place and must be present.

25. The person in charge of a working place or place where men are stationed or pass shall take all precautions to ascertain if the place is safe. If there is reason to suppose that there is any danger to persons working, stationed, or passing therein, he shall proceed at once to remove the source of danger, and if he is unable to do so himself, he shall inform an Underground Agent or other mining officer or (unless he is himself an Underground Foreman or Timberman) an Underground Foreman or Timberman of the fact as soon as possible, and in any case before leaving the mine. He shall, in the meantime, stop all work or access to such working place, except for the purpose of making the place safe or saving life. A Foreman or Timberman who receives information, under this rule, of danger to a working place shall be then considered in charge of such working place.

26. Every working place and every place where persons are stationed or pass shall be inspected at least once every day, when work goes on there, during the morning shift, and as far as practicable at least once a week in each of the other shifts by an Underground Agent or Underground Foreman or Timberman who shall satisfy himself that the place is in a safe condition, and he shall report to the Superintendent any case of serious neglect on the part of the person in charge.

27. The examination under the above rules of any shaft by which men enter or leave a mine must be made by an Underground Agent or specially selected Underground Foreman, or Timberman, and the result of one such examination in every week must be entered in a book to be kept on the mine.

28. All shafts in use and all underground workings in which the ground is not sufficiently firm must be made secure with suitable timber work, and such timber work must be renewed as often as necessary to ensure the safety of the workmen, and until so secured or renewed no person shall travel or work therein, except for the purpose of making the place secure. When it is absolutely necessary to work below ground suspected to be unsafe which cannot be removed or permanently timbered at once, temporary supports shall, where practicable, be employed.

29. In timbering a shaft care shall be taken that the wood employed in places where the ground is dry shall not be of an easily inflammable nature, and suitable means shall be provided for checking any outbreak of fire.

30. Where a place is likely to contain a dangerous accumulation of water, a working approaching it shall not at any point within 40 yards exceed 8 feet in width, and 8 feet in height, and there shall be constantly kept at a sufficient distance, not being less than 5 feet, 6 inches, in advance, at least one bore-hole near the centre of the working and sufficient flank bore-holes on each side.

31. In all underground mining operations, the ground on the inside of the boundary lines must be left intact for a width of 6 feet from such boundaries, but the working, cutting through or removing these boundary pillars is allowed by agreement between the Proprietors of the adjoining mines.

32. An underground workman commencing work shall proceed to his working place by the recognized travelling road, and shall not without due cause stop or loiter on the way. On leaving work he shall again proceed to leave the mine as directly as possible along the recognized travelling road.

33. A workman having reached his working place shall commence work under the direction of his mestri and shall not leave the working place until the end of his shift without permission of his mestri.

34. Every mestri or other person in charge of a working party shall see that none of the workmen forming the party leave the working place without his permission. He shall report to an Underground Foreman any workman so leaving without permission.

35. Every mestri or other person in charge of a working place shall see that no other person except those workmen who are on duty at the said working place remain in or at the place, and shall report to an Underground Foreman any unauthorized person so doing.

V. Prevention of Falls of Things and Persons.

36. Tools, wood, stones, or any other loose articles shall not be put down or allowed to remain in such a position in or near shafts or winzes, or openings into stopes where work is going on, as may result in their falling into them. When a shaft, winze, rise, shoot or stope leads directly into a travelling road or place where persons are stationed or at work, the traffic at such places must be guarded against danger from falling articles.

37. Every opening into a shaft, winze, shoot, or sliding hole, and any opening into a stope more than 10 feet deep below a drive, and other dangerous openings shall be provided with a barrier or cover in order to prevent persons or things from falling into them; the barrier or cover may be temporarily removed when necessary, provided proper precautions are taken to prevent danger to persons.

38. No person shall cast any material down any shoot, pass, stope or other place until he has made himself sure that no person is in the way.

39. Men engaged in sinking or in repairing any portion of a shaft must be protected by a suitable covering from objects falling from above. The ladder-way may form part of such covering.

VI. Shafts and Outlets.

40. No Proprietor, Agent, or Superintendent of a mine shall employ any person in a mine, or permit any person to be in a mine for the purpose of employment therein, unless—

(*a*) There are at least two shafts or outlets with which all the underground workings of the mine have communication, so that such shafts or outlets afford separate and efficient means of ingress and egress available to all persons employed in the mine, whether the shafts or outlets belong to the same mine or to more than one mine.

Provided also, that such shafts or outlets must not at any point be nearer to one another than 30 feet: and that there is between two such shafts or outlets, a communication in the mine not less than 4 feet high and 4 feet wide, and that sufficient means of ingress and egress are provided at each shaft.

41. The provisions of Rule 40 shall not apply—

(1) to any shaft which is actually being sunk;

(2) to any work for the purpose of opening up communication; or

(3) to any work for the purpose of opening out the mine or proving or searching for minerals which does not continue for more than one year, or does not extend for more than 50 feet from the shaft.

42. The provisions of these rules shall also not apply—

(1) to any other work for the purpose of opening out the mine or proving or searching for minerals;

(2) in case of an accident to a shaft;

(3) if the mineral would not repay the cost of a second shaft;

(4) in other cases where the circumstances of the case would render the provision of two shafts not reasonably practicable and where the rock is firm and there is no reason to apprehend danger from water or noxious gases.

Provided that the consent of an Inspector of Mines is previously obtained.

43. Where there is only one shaft and it exceeds 100 feet in depth and is not merely a sinking shaft, it shall be provided both with ladders and with other means of raising and lowering men.

VII. Inclines.

44. Every underground plane on which persons travel on foot, which is self-acting (that is to say, the motive power is the weight of the load in the waggons), or worked by an engine, windlass or gin, shall be provided (if exceeding 30 yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient man-holes or places of refuge at intervals of not more than 20 yards. No person shall be allowed to travel on foot on any such plane, if there is not room for a person to stand between the tracks and one of the walls.

45. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

VIII. Winding Generally.

46. Windlasses, whims and whips in use at shafts and winzes shall be provided with a stopper, lynch-peg or other reliable holder.

47. The connection between the rope and the bucket, skip or other conveyance must be of such character that no accidental disconnection can take place, and care must be taken that the hooking on and off of buckets is done without danger to the workmen.

48. Before an unguided bucket, or other conveyance, is raised or lowered it must be steadied under the supervision of the workman in charge. Vertical shafts exceeding one hundred feet in depth shall be provided with guides for buckets, unless exempted in writing by an Inspector of Mines.

49. In hoisting, the bucket, skip or other receptacle shall not be filled to such a height that any of the contents can fall out, and in no case above the level of the brim.

50. In hoisting or lowering timber, tools, etc., ends projecting above the top of the cage, skip or bucket must be securely fastened to the rope or bow. If a detaching hook is employed between the rope and the conveyance, care must be taken to secure it to any material which may project above it.

51. Entering any section of a winding compartment of a shaft while winding is going on in that section is prohibited except in cases of necessity.

52. When winding is effected by means of an engine, each drum must be provided with an adequate brake so arranged that it can be easily manipulated by the engine-driver when standing at the levers controlling the engine.

53. Ropes used for winding must be in good condition and of good quality and manufacture. The wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted.

54. The rope shall be securely fastened to the drum, and there shall be at least two turns of rope on the drum when the cage, skip or bucket is at its lowest point in the shaft.

55. Whether detaching hooks for releasing the rope and hanging up the cage or skip in case of an overwind are provided or not, the runners shall be sprung or provided with 'dogs' or other device for holding up the cage or skip.

56. The brakes, rope, shackle and all other parts of the winding gear shall be carefully examined once in every twenty-four hours by a competent person specially appointed for the purpose, and a report of every such examination shall be entered forthwith in a book provided for the purpose. An Inspector of Mines shall have power to exempt small winding gears and hoists from the provisions of this rule.

57. (*a*) A Register shall be kept at every mine in which the following particulars (obtained from the makers) of all new winding ropes shall be entered in ink and certified to by the Superintendent. Each rope, as soon as received, shall be given a serial number in the Register.

Particulars—

Name and address of manufacturer.
Date of manufacture.
Date of receipt at mine.
Length of rope in feet.
Diameter and circumference of rope in inches, or (in the case of flat ropes) width and thickness of rope in inches.
Weight per foot in lbs.

Construction of rope—

Number of strands.
Class of core.
Character of 'lay,' etc.

Construction of strands—

Number of wires in strand.
Diameter of wires (decimals of an inch).
Class of core.
Class of steel of which wire is made.
Breaking stress of steel of which wire is made (tons of 2,000 lbs. per square inch).
Breaking stress of rope (tons of 2,000 lbs.)

(*b*) A Rope Record Book shall be kept at every mine, in which the following particulars of all ropes in use on winding gears which have not been exempted from the provisions of Rule 56, shall be entered in ink, each entry being signed by the person responsible for the examination of the rope.

Particulars—

Name of shaft at which rope is in use.
Compartment in which rope is in use.
Serial number of rope in Register.
Whether rope is new or, if not, reference to previous record.
Date on which rope is put on.
Dates of shortening and number of feet removed.
Dates of recapping.
Dates of turning end for end.
Dates of tests after shortening (if any).
Breaking stress of wires at these tests.
Dates when rope taken off.

IX. Special Rules for the Raising or Lowering of Persons.

58. No winding plant shall be used for raising and lowering persons unless permission, in writing, has been obtained from an Inspector of Mines. Before giving his permission the Inspector of Mines shall satisfy himself that the provisions of the Rules have been duly and reasonably complied with, not only in regard to the winding plant proper, but also in regard to the head gear, shaft, runners, cages or other conveyances, landing arrangements and signals ; and that the condition of the same is satisfactory.

59. The head gear shall be of such height and construction that the cage or other conveyance can travel freely for a height of at least twenty-five feet above its position at the surface landing stage for persons.

60. Every winding plant used for raising and lowering persons shall be provided with a reliable depth indicator, plainly visible to the engine-driver, which shows the correct position of the cage or other conveyance in the shaft, and which, in the case of shafts exceeding three hundred feet in depth, will ring a bell in the engine room when the ascending conveyance is sixty feet below the collar of the shaft.

61. Every cage or other conveyance used in a vertical or steeply inclined shaft shall be provided with a roof or top cover and with proper safety catches where practicable. Cage entrances shall be provided with doors designed to prevent any portion of the body of any person travelling therein from coming in contact with the sides of the shaft. The doors shall be constructed so that they cannot open outwards, and shall be provided with a latch or other fastening to prevent them opening of themselves.

62. Rules 58, 59 and 60 shall not apply to sinking or prospecting shafts not exceeding 200 feet in depth.

63. The maximum number of persons allowed to travel in a cage or other conveyance shall be fixed by an Inspector of Mines, and shall be kept posted up at each landing place.

64. Every person who travels in a cage or other conveyance shall ride in it and not outside or on the edge. This does not apply to a person who is slowly lowered or raised for the purpose of examining the shaft.

65. At any shaft where the winding plant is not provided with a suitable device for preventing overwinding, the cage or other conveyance shall not be hoisted at a speed exceeding two hundred and fifty feet per minute when it is within sixty feet of the collar of the shaft.

66. Whilst persons are riding in a shaft, the winding of rock or other material must be discontinued, except where a separate engine is used for winding persons.

67. No person shall travel in any cage, skip or bucket with any heavy articles, especially drills or other tools. This rule shall not apply to persons specially authorized to travel with, and distribute, such articles, nor to persons in charge of underground works, sinkers, or workmen employed in repairing the shaft.

68. In the case of cages or other conveyances which do not conform to the rules regarding the winding of persons, the Superintendent may obtain the special sanction of an Inspector of Mines to permit mining officers and officials, certificated mestris and blasters and sinkers, and workmen engaged in repairing the shaft to ride therein, provided all available precautions are taken.

69. After any stoppage of winding for repairs or for any other purpose exceeding two hours' duration, the cage or other conveyance must be run a complete trip up and down the working portion of the shaft before any person is allowed to ride therein.

70. Where winding of persons in accordance with the foregoing rules is permitted, the following rules must be strictly observed :—

(*a*) One, or more than one, competent person, specially deputed by the Superintendent for the purpose, and whose name or names must be registered by him in a record book, termed the Machinery Record Book, shall carefully examine—

(1) every winding rope newly put on and its attachments to the drum and cage or other conveyance, and the same shall be used for the transport of persons

only after the conveyance, loaded to the full authorized extent, has been run two complete trips up and down the working portions of the shaft;

(2) at least once a week, the guides and the winding compartments generally the signalling arrangements, and the external parts of the winding engine;

(3) at least once a year, the winding engine as to the working condition of the internal parts;

(4) at least once a month, the structure of the rope for the purpose of discovering the amount of deterioration of same. For the purpose of this examination, the rope must be thoroughly cleaned at selected places.

A true report of the result of every examination above mentioned shall be recorded without delay in the Machinery Record Book which must be kept at the mine specially for the purpose, and shall be signed by the person who made the inspection. Should, as the result of such examination, any weakness or defect be discovered by which life or limb may be endangered, the defect shall immediately be reported to the Superintendent, and remedied; and no person shall be lowered or raised until the defect is made good.

(*b*) Winding ropes shall not be used for raising and lowering persons when, owing to deterioration or from any other cause, the breaking stress has become reduced to below six times the maximum working load.

(*c*) So soon as a rope becomes defective, it shall no longer be used for the transport of persons, unless the damaged part be at the end, and be cut off.

(*d*) A rope out of which any defective portion has been cut and the ends again spliced, and ropes which have been previously in use in places beyond the Superintendent's control, shall not be used to raise or lower persons.

(*e*) At every mine, at least one spare rope, suitable for use in any shaft in which persons are raised and lowered, shall be kept in reserve.

(*f*) A single linked chain shall not be used for raising or lowering persons or for attaching the rope to the skip or cage, except with the sanction in writing of an Inspector of Mines.

X. Signals.

71. At all winding shafts, exceeding one hundred feet in depth, arrangements must be provided for transmitting distinct and definite signals from the various levels in use and the shaft top, and between the shaft top and the engine driver. Where persons are raised and lowered arrangements shall also be made for return signals.

72. The engine-driver shall not set the engine in motion without having received a definite signal to do so. Neither the engine-driver nor banksman shall act on any signal of the correctness of which he has any doubt, unless he believes it may possibly be the signal to stop.

73. The banksman shall not permit the cage, skip or bucket to be moved from any landing or filling place in the shaft unless he has received a signal from that place, and if persons are to be raised or lowered, has returned the same.

74. Only persons specially authorized by the Superintendent for the purpose are allowed to give signals.

75. The following signals must be uniformly adopted in all mines :—

"One"—meaning to stop.
"Two"—meaning to lower.
"Three"—meaning to raise.

Additional signals shall be sanctioned by the Superintendent, and must not interfere with the above code.

76. Notices explaining the meaning of all permanent signals must be kept posted up in the engine room, at the shaft top and at all signal stations below-ground.

XI. Ladder Ways.

77. In shafts having an inclination of more than 65° with the horizontal, platforms or sollars must be provided at intervals not exceeding 35 feet. The manhole in any sollar shall be placed behind the ladder leading up from such sollar whenever the inclination of the shaft exceeds 70° with the horizontal.

78. In shafts having an inclination exceeding 45°, but not exceeding 65°, with the horizontal, the sollars shall be placed at intervals of not more than 55 feet, measured along the underlie of the shaft.

79. No ladder shall have a steeper inclination than 80° with the horizontal, except under special circumstances and with the consent in writing of an Inspector of Mines. This consent shall not be necessary for the lowest 30 feet of a sinking shaft.

80. Ladders must be securely fixed to the timbering of the shaft, and maintained in proper repair. Except at sollars or resting places, ladders must be made continuous or without perceptible overlapping or break.

81. Ladders must project at least three feet above the shaft top and above every sollar or landing place in shafts, and other travelling ways or strong holdfasts must be provided at all such places in convenient positions.

82. Travelling on foot in any shafts or shaft compartments except those specially provided and equipped for this purpose is strictly prohibited, except for purposes of inspection or repair.

83. In shafts having an inclination steeper than 45°, any compartment which is used as a foot travelling way shall be closely fenced off from the other compartments. In shafts less steeply inclined than the above, the ladder way shall be sufficiently railed off to prevent persons inadvertently entering the adjoining compartments.

84. Carrying tools or other loose materials up or down a ladder way having an inclination steeper than 45° is prohibited except when absolutely necessary. When tools are carried in a ladder way they must be secured in a sling to the person carrying them.

XII. Ventilation, Lighting, etc.

85. Sufficient ventilation must be provided to render all working places and travelling roads in a mine, under ordinary circumstances, fit for working in, and as far as possible free from fumes, smoke, dust or noxious gases.

86. A working place shall not be deemed to be fit for working in if a candle will not burn erect when shielded from a draught.

87. All doors which are required to be kept shut for purposes of ventilation shall be made self-closing.

88. All holes drilled in dry ground must, as far as practicable, be kept moist to prevent the atmosphere being charged with dust.

89. Unauthorized entrance into abandoned or disused workings is prohibited and should, as far as possible, be prevented by boarding or otherwise. Underground works (especially shafts, sumps, winzes and rises) which have been unused for some time shall, before work is started, be examined with a light, and if the air is foul, no work shall be permitted there until the foulness has been removed.

90. Stationary lights shall be provided at all stations and other places in shafts which are for the time being in use, also in all places where pumps or other machinery or appliances are in motion, unless the same are fenced off so as to render it impossible for any one to come in contact with them inadvertently; and at night at all working places on surface.

91. Moving about without a light in any unilluminated part of the mine is prohibited.

92. The Superintendent shall make all necessary sanitary arrangements as shall be approved by the Medical Officer, and shall appoint some person or persons who shall be responsible that all surface and underground workings and spaces are constantly kept sanitarily clean. A supply of pure drinking water shall be provided underground at suitable and convenient places.

XIII. Explosives.

93. No explosives shall be stored in or about a mine except in accordance with the provision of the Mysore Explosives Regulation and Rules, or as provided for in Rules 94 to 105 hereunder.

94. A daily supply magazine may be placed in the neighbourhood of each shaft for the daily requirements of the mine. The position and construction of every such magazine shall be approved of by an Inspector of Mines, who shall determine the maximum amount of explosives—not exceeding 300 lbs.—to be stored therein. Blasting powder shall not be stored with high explosives, but must be kept in a separate compartment having a separate entrance. Detonators shall not be stored in a compartment with any other explosives.

95. The storage of explosives underground is prohibited, except in the following cases :—

(*a*) A small amount of explosives may be kept in boxes for unforeseen contingencies ; each box must be securely made and kept locked, and may not contain except in cases coming under (*b*), more than half a pound of cartridges, six detonators and three yards of fuse. The detonators must be in a distinct compartment of the box, separated by a strong partition from the rest. No box shall be so placed that there is any risk of its being exploded or ignited by the explosion or ignition of any other box, or otherwise.

(*b*) When all the charges fired in a single shift are not fired at the same time, the explosives for the uncharged holes may be kept in the meantime at a safe distance. They must be placed in charge of some person responsible for them, where there is no risk of their being exploded or ignited.

(*c*) A magazine may in special cases be provided underground for storing the daily requirements of a mine or part of a mine in blasting materials, provided that the quantity of explosives of all kinds stored in such magazine shall not exceed an amount to be fixed by an Inspector of Mines, and provided that the magazine shall be placed at a sufficient distance from any portion of the mine in which work is going on or which is used as a thoroughfare, as will in the opinion of an Inspector of Mines prevent the risk of injury to any person from the explosion of the maximum amount of explosives allowed in the magazine, or from the fumes of the gases resulting from the combustion of such maximum amount, and provided that every precaution is adopted which an Inspector of Mines may require to be taken to prevent the explosion or ignition of such explosives and the injury to any person thereby. Detonators shall not be stored in a compartment containing or immediately adjoining one containing other explosives.

96. Explosives must be in their ordinary manufactured form and of good quality and as far as can be practically known in good condition when distributed for use. Only one kind of detonator shall, except with the permission of an Inspector of Mines, be used in the same mine. It shall be of sufficient power for every kind of explosive used.

97. No working place must be supplied with a greater quantity of explosive material than will probably suffice for the requirements of the shift.

98. A book must be kept to record the quantity of explosive material supplied to each contractor or blaster.

99. Explosives issued from the magazine shall be taken directly to the working place, and any unused explosives must be returned to the magazine near the shaft without any delay. Any one finding any explosive must take it at once to the nearest magazine.

100. The removal of explosives to any place not authorized by these rules, and the sale or purchase of explosives in the mine are strictly prohibited.

101. Explosives including fuse, when issued from the magazine, must be carried at all times in secure cases or canisters, and no case or canister may contain more than fifteen pounds of explosives.

102. Detonators must not be carried in the same case or canister with other explosives.

103. Explosives shall not be sent down in a bucket, skip or cage, unless there is a distinguishing mark attached to the bucket, skip or cage, or they are accom-

panied by some one who is responsible for them. If taken down by ladder, each case or canister must be securely fastened to the person carrying it.

104. All explosive material must be distributed, whether above or below ground, only by the person or persons appointed for that purpose by the Superintendent.

105. No fuse or explosives are allowed to be taken into the mine other than the brands specially authorized by the Superintendent.

XIV. Blasting.

106. All blasting operations shall be conducted by a blaster holding a blaster's certificate under Rule 15. In cases of emergency, a person who does not hold a blaster's certificate may be authorized to conduct blasting operations by the Superintendent or an Underground Agent who shall be responsible that such person is competent.

107. The blaster shall himself prepare the fuze, detonator and primer for use and shall charge every hole, but he may be assisted otherwise in the preparations of charges and in firing the shots by one or more competent assistants.

108. During the preparation of charges and the charging of holes, all lights must be kept at a safe distance, and smoking shall be strictly prohibited while explosives are being handled.

109. Every blaster must carry a knife in order to be able to cut a burning fuze, if necessary, and also a pair of pliers for crimping the detonator on to the fuze.

110. The fuze with its attached detonator shall, after being inserted in the primer cartridge, be securely fastened thereto by string or other suitable material so that it cannot be easily withdrawn from the cartridge. The fuze and detonator shall not be inserted in the primer until it is required for immediate use.

111. In charging or stemming holes the use of any iron or steel tool, scraper or rod is prohibited, and no explosive shall be forcibly pressed into a hole of insufficient size.

112. A wad of paper about one inch thick must be inserted immediately on top of the primer and below the tamping which shall be at least six inches deep. Only sand loosely filled in or soft clay lightly pressed home or water shall be used as tamping for any explosive requiring the use of a detonator.

113. Not more than eight holes, unless the fuzes are ignited by more than one person, in which case the number may be increased to twelve holes, shall be fired in one round in any drive, stope, end or shaft, or unless the charges are fired electrically, or unless the special permission of an Inspector of Mines has been obtained. No holes shall be charged except those which are to be fired in the next round, and all those which have been charged shall be fired in one round.

114. Blasting gelatine or other high explosive shall not be lighted in order to set fire to fuzes, but a small portion of such explosive may be attached to the end of a fuze to assist it to ignite.

115. Before any shots are fired, due warning shall be given in every direction by shouting the fire signal, and all approaches to the place where the shots are being fired shall be guarded. The blaster shall be responsible that no person is allowed to remain in, or to come into, dangerous proximity to the shots.

116. Whenever any working place approaches another so closely that any further blasting will reduce the intervening rock to a thickness of six feet or less, such further blasting must be conducted from one working place only at any one time. The Underground Agent in charge shall be responsible that the working parties are duly warned of the near approach of the two places, and the blaster in charge of the operations in the one place shall take steps to ensure that no person remains in the other place while shots are being fired.

117. The number of shots which explode must be counted by at least two persons, one of whom shall be the blaster. Unless both are certain that all the charges have exploded, the working place must not be re-entered for at least thirty minutes after the first explosion.

118. If all the charges have exploded properly or if they have been fired electrically, the working place may be re-entered as soon as it is sufficiently clear of fumes: provided that in the case of electric firing the source of electricity shall have first been disconnected.

119. After blasting has taken place, the blaster, or person in charge of the working place shall be the first to re-enter the place, and until he has pronounced it to be safe and sufficiently free from fumes he shall not permit any other person to enter except for the purpose of making it safe.

120. In clearing the stuff broken by the blast, loose unexploded cartridges, detonators, etc., must be carefully looked for and, if found, removed at once by the blaster or mestri in charge to a safe place.

121. Before drilling is commenced all loose rock must be removed from the working faces, and if any sockets or portions of holes which have not broken are found, they shall be securely plugged with wooden plugs, of which a supply shall be provided.

122. In the event of a mis-fire (or charge failing to explode properly) having occurred or being suspected, the blaster himself must be the first to re-enter the working place. He shall search for the mis-fire and, if necessary, may have the place cleaned up for this purpose; but he shall permit no other work.

123. As soon as the mis-fire has been found the blaster shall refire it without delay, for which purpose he shall insert a fresh primer with detonator and fuze in the hole. If necessary, the tamping may be gently removed with a wooden or copper scraper; but not the paper wad.

124. If the mis-fire cannot be found or reblasted, the blaster shall, before leaving the mine, inform the mestri in charge, of the next shift, and also an Underground Agent, Foreman or Timberman who shall then be considered to be in charge of the working place. The blaster shall, before leaving the mine, cause a report of every mis-fire to be entered in a book kept for the purpose at the shaft top. Unless the mestri is present at the working place, the blaster shall, before leaving, post a man to prevent access thereto, and warn persons of the existence of the mis-fire.

125. The mestri in charge of the next shift may have the place cleaned up and made secure, but no drilling shall be permitted until the mis-fire has been reblasted, or until the place has been inspected by an Underground Agent, Foreman or Timberman and instructions obtained from him as to the course to be followed. The Agent, Foreman or Timberman shall take steps to ensure that his instructions are properly carried out, and both he and the mestri shall be held responsible for this being done.

126. No portion of a charge shall be withdrawn from a hole either before or after blasting. The deepening of or tampering with holes or portions of holes, in which explosives have once been charged, is strictly prohibited.

127. The person in charge of the working place shall point out the position and direction of every new hole to be drilled, and shall be responsible that the drillers do not deviate therefrom. The greatest care shall be taken that no new hole shall be bored in such a direction that it can come in dangerous proximity to any old hole or socket in which explosives have previously been charged.

XV. Machinery.

128. All steam-boilers, compressed air-receivers and driving-gear must be in the personal charge of competent men appointed by the Chief Engineer. Every steam-boiler and air-receiver shall have attached to it a proper safety-valve and steam gauge and water-gauge or air-gauge, and shall be inspected by an Engineer once a week at least.

129. (*a*) Before a boiler or air-receiver is cased in or put in commission, it shall be subjected to hydraulic test by the Chief Engineer or a competent person appointed by him. The test shall be repeated after any important renewals or repairs, and in any case at least once in every twelve months in the case of a boiler, and once in three years in the case of an air-receiver. A record of every such test shall be entered in books kept for the purpose.

(*b*) In the case of an air-receiver the hydraulic pressure shall be 1½ times the maximum working pressure permitted.

(*c*) In the case of a boiler the hydraulic pressure shall be twice the maximum working pressure allowed when the latter does not exceed 75 lbs. per square inch, and at least 75 lbs. per square inch above the maximum working pressure in other cases.

(*d*) The working pressure shall be measured as the pressure in excess of that due to the atmosphere.

130. A notice shall be posted in every engine-house specifying the highest pressure to which the steam or air in every boiler or receiver, in or adjoining such engine-house may be raised, and the minimum height of water allowable in each boiler shall be clearly marked on the water gauge and on the boiler shell.

131. The weight of every safety-valve shall be fixed on the lever so that it cannot be inadvertently shifted so as to increase the pressure.

132. Every boiler shall be cleaned out and examined internally at least once in every twelve months, and a record shall be kept at the office of the mine of the condition at the time of every such cleaning.

133. All exposed parts of machinery, which are dangerous when in motion, must be railed or partitioned off in such a manner that no accident can occur except through carelessness.

134. Every person in charge of any boiler, engine or other appliance, apparatus or machine shall see that it is in proper condition before commencing work, and if there is any defect shall remedy the same or report it to a Chief or Assistant Engineer; he must see that boilers are kept properly supplied with water, that no extra weights of any kind are added to the safety-valves of boilers and receivers, and that the allowed pressure of steam or air is not exceeded. If anything occurs to prevent a boiler being adequately supplied with water, he shall damp or draw the fire without delay, and in case of any dangerous defect shall stop work until it is remedied.

135. Engine-drivers and firemen are not allowed to work longer than the ordinary shift prescribed at a mine, unless it is absolutely necessary. If the driver or fireman of a winding engine shall work longer than the prescribed shift, an entry of the fact must be made in a book kept for the purpose. During his shift an engine-driver or fireman shall not leave his post except when absolutely necessary, nor without leaving some person in charge. He shall not allow any one else to handle the engine unless with the order or permission of the Chief, or an Assistant, Engineer, or in case of emergency.

136. In the case of an engine-driver of a winding engine in which persons are raised or lowered, the shift shall not exceed eight hours in twenty-four, and in the case of an engine-driver of any other winding engine, shall not exceed ten hours, except in the case of small mines not exceeding 400 feet deep, or with the permission of an Inspector of Mines.

137. The repairing, adjusting, cleaning or lubricating of machinery in motion shall not be permitted when there is a risk of personal injury.

138. Shipping and unshipping driving belts while the machinery is in motion is prohibited, unless a satisfactory mechanical appliance is provided for the purpose. This shall not apply to the customary shifting of light belts on the coned pulleys of machine tools.

XVI. Electrical Plant and Fittings.

139. All Electrical Apparatus and Conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered or safeguarded, and so installed, worked and maintained as to reduce the danger through accidental shock or fire to a minimum; and shall be of such construction and so worked that the rise in temperature, caused by ordinary working, will not injure the insulating materials.

140. All metallic covers, armouring of cables, other than trailing cables, and the frames and bed-plates of Transformers and motors, other than portable motors, shall, as far as is reasonably practicable, be efficiently earthed when the pressure at the terminals, where the electricity is used, exceeds 250 volts.

141. Main and distribution switch and fuse boards must be made of incombustible insulating materials, and be fixed in as dry a situation as practicable.

142. Every sub-circuit must be protected in one of the three following alternative methods:—

(*a*) By an automatic maximum cut-out on each pole;

(*b*) By a detachable fuse on each pole, constructed in such a manner that it can be removed from a live circuit with the minimum risk of shock;

(*c*) By a switch and fuse on each pole.

143. Fire buckets, filled with clean, dry sand, shall be kept in electrical machine rooms, ready for immediate use in extinguishing fires.

144. Gloves and mats or shoes of India rubber, or other non-conducting material, shall be supplied and used where the live parts of switches or machines, working at any pressure above 250 volts, have to be handled for the purpose of adjustment.

145. No person shall wilfully damage, interfere with, or without proper authority remove or render useless, any electric line, or any machine, apparatus or part thereof, used in connection with the supply or use of electricity.

146. Where a Generating Station, under the control of the Mining Company on whose property it is situated, is not within 400 yards of any shaft down which the current is led, an efficiently enclosed locked switch box or a switch-house shall be provided near the pit-mouth, for the cutting off the supply of electricity to the underground portions of the Mine.

147. Every transmission line, carried overhead, on the surface, must be efficiently supported upon insulators, and clear of traffic, and provided with efficient lightning arrestors.

148. All terminals and live metal on machines or switchboards working at a pressure exceeding 250 volts underground, or 600 volts on surface shall, where practicable, be protected with insulating covers, or metal covers connected to earth, when situated in any position in which it is easily possible for a person to come in contact with them.

149. No unauthorized person shall enter a motor room, or interfere with the working of any motor or apparatus connected therewith. Suitable screens, guards or partitions of non-inflammable material shall be fixed so as to prevent the space at the back of transformers and high tension switchboards being used as passage ways.

150. Unless fixed, as far as is reasonably practicable, out of reach of injury, all conductors, other than armoured cables, must further be protected by a suitable covering. Where lead-covered cable is used, the lead shall be earthed and electrically continuous throughout.

Where main or other roads are being repaired or blasting is being carried out, suitable temporary protection must be used, so that the cables are reasonably protected from damage.

151. The fixing with metallic fastenings of cables and wires, which are not provided with metallic coverings, to walls or timbers, is prohibited.

152. Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs. Fuses shall be adjusted or replaced only by an authorized person.

153. All live parts of switches, fuses and cut-outs, not in machine rooms or compartments specially arranged for the purpose, must be covered.

154. Where unarmoured cables or wires pass through metal frames or into boxes, transformers or motor casings, the holes must be substantially bushed with insulating bushes.

155. In all machine rooms and other places underground, where a failure of electric light is likely to cause danger, lamps or other proper lights shall be kept for use in the event of such failure.

156. Instructions shall be posted up in one or more suitable places on every mine, containing directions as to the restoration of persons suffering from electric shock.

157. All proper precautions must be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

158. Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use before the coming into force of these rules, may be continued in use unless an Inspector of Mines shall otherwise direct, or subject to any conditions affecting safety that he may prescribe.

159. Under special circumstances or in case of emergency, an Inspector of Mines shall have power to grant exemption from the requirements of any of the rules in this section upon such conditions as he may consider desirable or necessary.

XVII. Accidents, Ambulance, etc.

160. Whenever an accident occurs at a mine which results in the death of, or serious injury to, any person, the Superintendent shall at once send notice thereof in writing to an Inspector of Mines, stating fully all particulars regarding such accident, in accordance with the form in the schedule to these rules. The notice shall be accompanied or followed by a certificate from the Medical Officer regarding the nature of injury or cause of death. Where practicable, a brief notice of the accident shall also be sent by telegraph or telephone.

161. By serious injury is meant an injury which results, or is likely to result, in total or partial loss of, or permanent damage to, any limb or organ, fracture of any of the larger bones (including the bones of the skull), dislocation of the hip or knee, great loss of blood, internal bleeding or prolonged unconsciousness, or which may be declared to be serious by the Medical Officer.

162. If death results from the effects of an accident, whether such death occurs at the time of the accident or subsequently, the Superintendent shall send notice of the same forthwith to the nearest Magistrate or Police Officer as well as to the Inspector of Mines.

163. The place where an accident involving the death of, or serious injury to, any person has occurred shall be left untouched after removal of the injured person or persons until it has been examined by an Inspector of Mines or until the expiry of forty-eight hours, unless the stoppage of work at that place would seriously impede the work of the rest of the mine, or unless the consent of the Inspector of Mines to the resumption of work has been obtained.

In the event of the Inspector of Mines being unable to proceed to the scene of the accident himself or to send a qualified deputy, he shall, if he considers an enquiry to be necessary, inform the nearest Magistrate, who shall thereupon cause an investigation to be made on the spot into the cause of the accident. A copy of the evidence taken at such investigation shall be forwarded to the Inspector of Mines.

164. In every case in which death has resulted from an accident, and in all cases resulting in serious personal injury, in which any wilful or negligent breach of these rules has been disclosed, the Inspector of Mines shall furnish a report of his investigation to the nearest resident Magistrate, who shall thereupon make such further investigation or take such action as he may consider necessary. The Magistrate shall inform the Inspector of Mines of the date of such further investigation or action, and the latter shall be at liberty to appear and examine any witness.

165. Whether personal injury is caused or not, every accident occurring under the following classification shall be reported without delay to the Inspector of Mines :—

(1) Engine running out of control;

(2) Fracture of any essential part of winding engine, crank shaft, couplings, bearings, gearings, clutch, drums, or drum shaft;

(3) Fracture of winding rope or of its attachment to skip, cage, or drum;

(4) Fracture of pit-head sheave or axle or bearings of same;

(5) Failure of efficiency of brake;

(6) Failure of safety catch to act when required;

(7) Failure of device for prevention of overwinding or of detaching hook to act when required;

(8) Overwinding of cage or skip;

(9) Bursting of anything containing steam, compressed air or other substance at high pressure;

and a record shall be kept at every mine of all cases of jamming or derailment of skip and cages.

166. The proprietor shall see that the following medical provision is made for persons employed in mining operations: —

(1) If the number of persons so employed exceeds 1,500, one qualified Medical Officer residing within three miles;

(2) If the number of persons so employed exceeds 250 and does not exceed 1,500, one qualified Medical Officer residing within ten miles, and if the Medical Officer does not reside within three miles, then in addition one trained Hospital Assistant within three miles.

(3) If the number of persons so employed exceeds 50 but does not exceed 250, then one trained Hospital Assistant within five miles.

These distances will be measured from any part of the mine where more than 50 persons are employed.

167. If any Medical Officer who is not employed by the Proprietor shall attend on any person employed in mining operations, the Proprietor shall pay such amount for his services as the Senior Surgeon in Mysore shall direct.

168. In order to render immediate assistance in cases of injuries such as broken bones, wounds, bleeding, contusion, scalding and suffocation, there must be ready at hand at every mine all such necessary articles and medicines as the Medical Officer shall direct, and also an ambulance for the removal of injured persons; and so far as possible every person in charge of any work below ground shall be acquainted with the means of giving first aid to persons injured.

169. Every workman receiving any personal injury in any mining operations shall, before leaving the mine, report the same to one of the Mining Officers or the watchman at the top of a shaft or to his immediate superior; and any person to whom such report is made shall, as soon as possible, communicate the same to the Superintendent.

XVIII. Mine Plans.

170. A general plan, made by a competent surveyor, of the land, which is in the possession of the Mining Proprietor for mining purposes or over which he holds any mining rights, to a distance of 600 feet from any point where mining operations are or have been carried on, but not beyond the limits of such land, must be kept at the mine, and be made up at least every four months.

171. The general plan must show the Government survey marks (if any), the boundaries of the land, the outcrops, as well as the actual strike and dip of the reefs or other mineral deposits so far as known, all open surface workings, shaft openings, bore-holes, water-furrows, reservoirs, tailings-sites, public roads and railways and the principal buildings and sites of mining and metallurgical plant. It must also show the geographical meridian.

172. Besides the general plan referred to above, the Superintendent must keep in the office of the mine an underground working plan and section or sections showing clearly all the workings surveyed up to within four months from date.

173. The underground plans and sections must in particular show clearly all shafts, bore-holes, drives, crosscuts, winzes, rises, excavations (stoped ground) and any tunnels and passages connected therewith, and the position of all permanent winding gear, pumps, ventilating fans, brattices and doors for regulating ventilation, and all underground bench marks, and stations of the underground survey, and in addition thereto the vertical depth of bore-holes, the depth at which the mineral deposits have been intersected, the general strike of the reefs or mineral deposits, with their dips at different points, and the dislocations of the strata.

174. All underground plans must be on the scale of 30 or 60 feet to one inch.

175. All bench marks or stations of the underground surveys must be properly marked with holes and plugs, and care taken to preserve them in view of subsequent surveys.

176. The plottings of every survey must be made from a line or lines representing on the plan the true geographical meridian.

177. In case of a mine or any considerable part of it being intentionally abandoned, the general and underground plans and underground sections must first be completed up to date, and the same or exact copies thereof must be sent to the Chief Inspector of Mines within two months of such abandonment.

178. All underground workings must, when it is possible, first be surveyed before being allowed to become inaccessible.

179. Any Proprietor, Agent or Superintendent or other person engaged in mining operations, who wilfully withholds any portion of a mine plan, or conceals any part of the workings, or knowingly allows the mine plans to be incorrect, shall be guilty of a breach of these rules.

180. A true copy, on mounted paper or tracing cloth, of the general plan and of every underground plan or section, referred to in Rules 170 and 172, shall be deposited with the Chief Inspector of Mines; and the said copies shall be brought up to date once every year by the Superintendent.

For this purpose the said copies may be obtained by the Superintendent from the Chief Inspector of Mines any time subsequent to the 31st of December; and shall be returned to the Chief Inspector of Mines not later than the 1st of June following.

XIX. Government Returns and Inspections.

181. The Superintendent of a Mine shall furnish to the Chief Inspector of Mines a statement showing the quantities of ore obtained and treated, and the quantity of metal or other finished products obtained, and other returns and statistics in such form and at such time as may be prescribed by the Government.

182. Where any working is commenced for the purpose of opening a mine, or where the working of a mine is temporarily or permanently discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the Proprietor or his Agent or Superintendent shall immediately give written notice thereof to the Chief Inspector of Mines.

183. The Proprietor or his Agent or Superintendent shall, without delay, furnish the Chief Inspector of Mines with the following information :—

(1) Name of Mine,
(2) Name and address of Proprietor,
(3) Name and address of Agent or Superintendent;

and shall likewise give notice of any change in their names or addresses within three days of such change.

184. In case of the abandonment of a mine, the Proprietor, at the time of such abandonment, shall continue to be responsible for the carrying out of the rules regarding the protection of the surface under Section III, the furnishing of plans under Section XVIII, and the sending in of returns under Section XIX, until such rules have been complied with.

Upon the Chief Inspector of Mines being satisfied that such rules have been duly complied with, he shall issue a certificate to that effect, and the Proprietor shall thereupon be relieved from all further responsibilities.

185. An Inspector of Mines or his authorized representative shall at all reasonable times have access to the plans and sections in order to examine and inspect them, take copies thereof, and make extracts therefrom; and shall be entitled to enter upon any part of the mine above or below ground, and inspect and examine the state and condition thereof, and of the mines and buildings and mining and metallurgical plant therein or thereon, and the mode in which operations are carried on, and hold enquiries as to accidents; but so far as possible in such a manner as not to impede or obstruct the working of the mine, and the Proprietor, Agent and Superintendent shall, with proper persons employed in the mine and acquainted with mining and metallurgical operations and with the engines, machinery and apparatus and other mining and metallurgical plant upon or within the mine effectually assist in the conduct of every such inspection or examination, affording all information required therefor, and producing any books or records required to be maintained under these rules.

186. Notice shall be given to the Chief Inspector of Mines if any working approaches within a horizontal distance of a railway equal to twice its depth below the surface, or to 500 feet, whichever is less.

187. If any mine is worked in a manner which, though not expressly forbidden by the provisions of these rules, is nevertheless dangerous, an Inspector of Mines may require the matter to be remedied, and the representative of such mine shall comply with such requisition, or else submit the matter to arbitration.

188. An Inspector of Mines is also entitled to take, or cause to be taken, such samples of ore, quartz or other minerals from any reefs, beds or deposits or from any intermediate or final products extracted, obtained or produced in the course of any mining operations, as he in the execution of his duty may think fit, but if they be of more than two pounds weight, or contain more than five grains of gold, or be taken more than once in three months, the Government shall pay for the same at a fair valuation.

189. Every person who wilfully obstructs an Inspector of Mines in the execution of his duty, and every Mining Proprietor, Agent or Superintendent, who refuses or neglects to furnish to an Inspector of Mines the means necessary for making any entry, inspection or enquiry, under the Mysore Mines Regulation, 1906, or these rules, shall be deemed to commit a breach of these rules.

190. An order by an Inspector of Mines suspending or postponing the operation of any of these rules or giving any permission under these rules shall not be valid unless it is in writing. Any such order may be subsequently revoked by an Inspector of Mines.

191. The Superintendent, or in his absence the highest Mining Officer who may be present, shall, upon application by any local Magistrate or Police Officer not below the rank of Chief Constable, whose duties require him to visit the mine, give him every facility for the purpose.

XX. Bribery and other undue influences.

192. Any person who shall render any service, or use any threat to any other person, with the view of preventing any workman, contractor, foreman, Mining Officer, Government servant, or other person engaged or expecting to be engaged in mining operations or in work connected with the Government inspection of mines from exactly complying with these rules, or from performing duly, honestly and without favour to any person or persons the duty he is employed to perform, or shall attempt or agree to render any such service, or use any such threat, or shall accept or attempt or agree to accept any such service, or shall on receiving any such threat fail to at once inform a Mining Officer thereof, shall be guilty of a breach of these rules.

193. Any workman, contractor, foreman, Mining Officer, Government servant or other person engaged or expecting to be engaged in mining operations, or in work connected with the Government inspection of mines, who shall accept any service from any person or persons who is concerned or is likely to be concerned in any operation, proceeding or business transacted or likely to be transacted by the person accepting such service, or having any other connection with the duties he or any person to whom he is subordinate, or likely to be subordinate, is employed to perform, or from any person who is interested in, or related to, the person so concerned or likely to be concerned, shall also be guilty of the breach of these rules.

194. For the purpose of these rules a service shall be considered to include the payment of any sum, the gift or sale without adequate consideration of any thing, and every other favour or gratification of any description, whether estimable in money or not; but not recognised and legitimate remuneration for mining work.

XXI. General Rules.

195. The working of the mine shall be under the general control and responsibility of the Superintendent.

196. The Superintendent or other Mining Officer acting under his instructions, shall, at least once in three days, while the men are at work, visit and examine

every working place in the mine and all machinery and other mining operations of every description below ground or on the surface, and shall see that safety in every respect is ensured.

197. Except under the provisions of these rules, no person shall enter a mine who has not previously obtained the consent of the Superintendent or his representative.

198. No person shall be allowed to enter a mine in an intoxicated condition, or if known to be subject to any complaint which might place his life in danger.

199. Unauthorized entrance into any shaft or other working or into any shed or enclosure or into any place where machinery or boilers or receivers are erected, or other mining operations are carried on, is prohibited, and notices to this effect must be posted up at all entrances.

200. No workman shall, except in cases of emergency, go to any part of the mine, except where it is necessary for him to go in the course of, or when coming to or from, his work.

201. For the purpose of making these rules known to all persons in and about the mine, printed copies thereof must be posted in conspicuous places at the mine where they can be conveniently read, and every person employed in or about the mine is enjoined to thoroughly acquaint himself with them so far as they affect his duties.

202. All rules and notices shall be printed or written in such languages as an Inspector of Mines shall direct, and must be posted up in a position where they can be easily seen by persons frequenting the place.

203. All rules and notices posted in or about the mine must be authorized by the Superintendent.

204. Any person pulling down or otherwise defacing any rules or notice, when posted up, is liable to punishment.

205. In all cases where any person is required by these rules to make any report he shall sign his name to it. If he is unable to write, he shall be present when his report is written, and shall have it read over to him and shall attach his mark to such report in token of this having been done. The name of the person writing the report shall also be entered at the end of the report, together with a statement of its having been read over to the person on whose behalf it is written.

206. All persons are enjoined to thoroughly acquaint themselves with and carry out the sanitary arrangements in the mine which may from time to time be made by the Superintendent with the approval of the Medical Officer. Any person who does not conform to these arrangements shall be deemed to commit a breach of these rules.

207. Where the duties of more than one post are entrusted to the same person, that person shall be bound by, and observe, the rules attached to each such post.

208. No person shall depute any one to do his work without the sanction of his immediate superior.

209. No person shall wilfully damage, or without proper authority remove, or render useless any fence, fencing, manhole, place of refuge, casing, guide, signal or means of signalling, chain, flange, horn, brake, indicator, steam-gauge, watergauge, safety valve or other appliance or thing, which has been provided for the purpose of carrying out these rules, or for the safety of the workmen or otherwise for the purpose of properly carrying on mining operations, or which may be obtained or produced in the course of mining operations; nor is any one permitted to alter, remove, or in any way render useless any arrangement in the mine provided for the above purposes, without the consent of the Superintendent.

210. If any person employed in a mine shall, by any act or omission wilfully or negligently do anything which may allow or facilitate injury to, loss, destruction or theft of any property employed in or produced in the course of mining operations, he will be deemed to commit a breach of these rules.

211. Any person employed in or about the mine who shall, by any act of omission, wilfully or negligently do anything likely to endanger life, or shall

wilfully or in a careless or thoughtless manner expose himself to danger, will be deemed to be guilty of a breach of these rules.

212. Every person who shall forge or falsify a certificate granted under these rules, or use a certificate falsely purporting to be granted under these rules, or use a certificate granted under these rules as his own which was granted to another person, or shall sell or dispose of a certificate granted or falsely purporting to be granted under these rules, shall be guilty of a breach of these rules.

213. Fines and deductions from wages, other than fines levied under the Mysore Mines Regulation, 1906, shall be levied and made only by a Mining Officer.

214. No person shall refuse or neglect to obey any orders issued with a view to the safety or the convenience or proper discipline of the mine, not being inconsistent with these rules, by any person under whose orders he is placed, nor shall he interfere with, impede or obstruct any person in the discharge of his duties, or interfere with or obstruct the working of the Mine.

215. All workmen shall strictly adhere to these rules, and to any directions issued by the Superintendent with a view to their safety or convenience or the proper discipline of the mine, not being inconsistent with these rules, contained in the notices posted in or about the mine for the guidance of the workmen.

216. Any person who may observe or be aware of any neglect or infringement of these rules shall report the case to his immediate superior or to the Superintendent or an Underground Agent or other Mining Officer, or (if the person reporting the same is a workman) to an Underground Foreman or Timberman, so that immediate means may be taken to rectify it and to prosecute the offender.

217. Any one who shall knowingly permit any person over whom he exercises authority to commit, or shall otherwise abet, a breach of these rules, or shall observe or be aware of a breach thereof, without reporting the same as aforesaid, shall himself be deemed to commit a breach thereof.

218. Every person employed in mining operations (other than the Proprietor, Agent or Superintendent) who is wilfully or negligently guilty of any act or omission which in the case of a Proprietor, Agent or Superintendent would be a breach of rules, shall be deemed to commit a breach of these Rules.

219. All workmen who neglect to observe any of the provisions of these rules, may be suspended or discharged and ordered out of the mine by the Superintendent or other Mining Officer.

220. No person shall be selected or allowed to perform or shall perform any duty in connection with any mining operations unless he is fully competent and qualified to carry out the work allotted to him.

221. The Proprietor, Agent and Superintendent shall provide for the safety and proper discipline of the men employed above and below ground, and appoint such persons as may be necessary for carrying out the provisions of these rules, and, in the case of any contravention of or non-compliance with these rules by any person whatsoever, the Proprietor, Agent and Superintendent shall each, unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing these rules, to prevent such contravention or non-compliance, be deemed to have committed a breach of these rules. It shall be the duty of the Superintendent to prosecute any person employed on the mine who is guilty of a breach of these rules, except in cases which are so trivial that a prosecution is inadvisable.

222. If there is anything in the construction of any mine which at the time of the issue of these rules is not in accordance with these provisions, the Inspector of Mines shall have power to postpone the operation of these rules in such cases for such period as he shall think fit.

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geol. Dept.

(SCHEDULE.)

Year *Accident No.*

REPORT OF ACCIDENT (1).

Date of accident—
Class of accident (2)—
Number killed—
Number injured—
Name of mine—
Name of shaft—
Level (3)—
Locality (4)—
Time of accident (5)—

Persons killed—Names	Age	(6) Occupation	Hours worked before accident	Nature of injury causing death and date of death

Persons injured—Names	Age	(6) Occupation	Hours worked before accident	Nature of injury

How the accident happened—

Whether the work was being carried on by a contractor or by the Company (or mine-owners)—

Name of contractor and certificate No.—

Name and certificate No. of mestri or blaster, and if present—

Name of Foreman in charge of the safety of the part of the mine where the accident happened—

Name and title of Mining Officer in charge of that part of the mine—

Superintendent.

EXPLANATIONS.

(1) Every accident resulting in death or serious injury and every accident causing personal injury (whether serious or not) arising from an explosion of any kind, or from the fumes of an ignited explosive, or from the bursting of anything containing steam, compressed air or other substance at high pressure, must be reported.

An injury is to be considered as serious when it incapacitates the person injured from work for not less than seven days.

(2) Insert numbers corresponding to the following classes :—

1. Falls in mine.—Falls of hanging-wall.
2. Falls in mine.—Falls of sides or roof.
3. Falls in mine.—Falls of ore from working places.
4. In and at shafts.—Overwinding.
5. In and at shafts.—Ropes and chains breaking.
6. In and at shafts.—Whilst ascending or descending by machinery.
7. In and at shafts.—Falling into shaft from surface.
8. In and at shafts.—Falling from part way down.
9. In and at shafts.—Things falling from surface.
10. In and at shafts.—Things falling from part way down.
11. In and at shafts.—Miscellaneous.

(Winzes and rises are not to be considered shafts for the purpose of this report.)

12. Miscellaneous below ground.—Suffocation by gases.
13. Miscellaneous below ground.—Explosion due to misfire.
14. Miscellaneous below ground.—By explosives (other than misfires).
15. Miscellaneous below ground.—Falls of persons or things in Rises, Winzes and Stopes.
16. Miscellaneous below ground.—On inclined and engine planes. (Where the inclination of a shaft to the horizontal is not more than 30°, it is to be considered an incline for the purpose of this report.)
17. Miscellaneous below ground.—By trams or tubs, but not on inclined and engine planes.
18. Miscellaneous below ground.—By machinery.
19. Miscellaneous below ground.—By other causes.
20. On surface.—By machinery.
21. On surface.—Boilers and steam pipes bursting, etc.
22. On surface.—On railways, tramways, or aerial ropeways belonging to mine.
23. On surface.—Miscellaneous.

(3) If on surface, say so. All accidents on the surface works of the Company must be reported.

(4) If in stope, state which stope, and whether underhand or back stope. Also in what part of the stope.

(5) The twenty-four hours should be used as in railway time-tables.

(6) If the person is a female, the fact should be noted in this column in addition to her occupation.

This report, after being filled in and signed by the Superintendent or other superior officer of the mine at the foot of page 2, should be folded and despatched forthwith.

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geological Dept.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 37.

BANGALORE, THURSDAY, SEPTEMBER 14, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 444, dated Bangalore, 22nd August 1911.

In supersession of the rules prescribed under Sections 11 and 28 of the Mysore Mines Regulation, III of 1897, and published under Government Notification (Geological) No. 94-M., dated 9th December 1897, and subsequently amended, the Government of His Highness the Maharaja of Mysore, in exercise of the powers conferred on them by Sections 21 and 37 of the Mysore Mines Regulation, IV of 1906, are pleased to prescribe the following Rules :—

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geol. Dept.

RULES PRESCRIBED UNDER SECTIONS 21 AND 37 OF THE MYSORE MINES REGULATION (IV OF 1906).

I. Preliminary.

1. In these Rules the word "Regulation" shall mean the Mysore Mines Regulation, IV of 1906, and all words defined in that Regulation shall have the same meaning in these Rules.

2. In these Rules—

(1) "Chief Inspector of Mines" means the Senior Inspector of Mines for the time being.

(2) "Chief Underground Agent" is the officer of the mine who is in charge of the whole of the underground portion thereof under the direction of the Superintendent.

(3) "Assistant Underground Agent" is an officer whose duty it is to assist the Chief Underground Agent.

(4) "Chief Engineer" is the officer in charge of all the machinery of the mine.

(5) "Assistant Engineer" is an officer whose duty it is to assist the Chief Engineer.

(6) "Mining Officer" includes the Superintendent, Chief Underground Agent, Chief Engineer, Accountant, Assayer and Cashier and their respective Assistants, and others holding posts of equal importance.

(7) "Underground Foreman" is a subordinate official of the mine to whom the detailed execution of part of the duties of a Chief or Assistant Underground Agent is delegated.

(8) "Timberman" means a miner whose duty it is to see that the fixing of timber is done in a proper and workman-like manner.

(9) "Workman" includes every person engaged in mining operations, and inferior in position to an Underground Foreman or Timberman.

(10) "Working place" means any place above or below ground where any mining operation is being carried on, and includes any winze, pass, way or other means of access thereto which is not used for general travelling purposes.

(11) "Working party" means a party of two or more men working at the same working place.

(12) "Blaster" means a workman employed in blasting operations, who prepares charges of explosives, charges holes and fires shots.

(13) "Mestri" means any workman in charge of a working party.

(14) "Banksman" means a workman stationed at the shaft top, specially appointed to superintend the raising and lowering of materials, tools and persons, and the transmission of signals between the shaft top and the Engine Driver and between the shaft top and the stations below ground.

(15) "Platman" means a workman specially appointed to superintend the loading and unloading of materials, tools and persons at any station below ground, and the transmission of signals between such station and the shaft top.

(16) "Contractor" is a person who contracts to drive, sink, or stope, clear dirt or do any other work for a consideration calculated on the work performed, and who employs workmen who are paid by him and are not in the direct employment of the company.

(17) "Contractor's Mestri" means any mestri in charge of a working party working under a contractor.

(18) The "Immediate Superior" of any person employed in a mine is the person, whether a Mining Officer or Foreman or Timberman or Contractor or Mestri, from whom he takes orders. In the case of a workman other than a mestri, it will generally be the person in charge of his working place.

(19) "Medical Officer" is the duly qualified person appointed by the Proprietor to have medical charge of the persons employed. Any person with the qualification required for an Assistant Surgeon in the Mysore Medical Service or any superior qualification shall be considered duly qualified for the purpose of these rules. If no Medical Officer shall be appointed by the Proprietor, the Civil or Assistant Surgeon of the District shall be the Medical Officer of the mine for the purpose of these rules.

(20) "Shaft" means any adit or vertical or inclined way or opening leading from the surface to the underground workings or from one portion of the underground workings to another, which is or might be used for winding, draining, travelling or ventilating purposes in connection with prospecting or mining operations.

(21) A "Sinking Shaft" is a shaft exclusively devoted to its depth being increased.

(22) "Winze" means a small underground shaft, either vertical or inclined.

(23) "Timber work" shall include masonry, iron-work or other means of securing ground.

(24) The expression "these rules" includes any general or special rules prescribed by the Government under Sections 21, 22 and 37 of the Mysore Mines Regulation, 1906.

II. Protection of the Surface.

3. Places where mining operations have caused large cracks and falls of earth on the surface, or where such are likely to occur, must be properly fenced in.

4. For the protection of public squares, roads, railways, cemeteries, rivers, water-rights, buildings and other property on the surface, the reefs, or other mineral deposits must be left intact for such depth below them and for such horizontal distance as an Inspector of Mines shall prescribe.

5. All excavations made contrary to the provisions of the preceding rule shall be immediately filled up with rock, sand or earth by the person or persons responsible for such excavations, failing which they shall be filled up by the Proprietor of the mine or by the Government at his expense.

6. The top and side entrances of all shafts that are more than 10 feet deep must be kept securely fenced or covered, except so far as may be necessary to allow of mining operations being efficiently carried on. The fence may be removed for necessary work if due precautions are taken.

7. When any shaft, trench or other excavation more than 10 feet deep, made in the course of mining operations, is or has been abandoned or the working thereof discontinued at whatever time the abandonment or discontinuance occurs, the Mining Proprietor and every other person interested in the land in which such excavation is situated shall, without delay, either fill up such shaft, trench or other excavation, or protect the same by a substantial stone barrier on all sides at least 3 feet, 6 inches high and 2 feet thick.

Provided that this rule may be relaxed with the consent of an Inspector of Mines or of the Deputy Commissioner of the District in the case of an open working of which no side has a steeper slope than 45°, and which is not considered to be dangerous.

8. In digging prospecting trenches the materials excavated must be used to form approximately equal ridges on all sides.

9. In open workings the overburden and all loose ground and materials shall be removed sufficiently far from the edge or otherwise, and made secure to prevent danger to persons employed in the mine.

10. The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material, and no side shall be cut or worked so that any portion of it projects or overhangs.

11. When any side of an excavation or open working, or portion thereof, which exceeds 10 feet in depth, has a slope which is steeper than 45°, the top of such side shall be protected by a suitable fence or barrier to prevent persons inadvertently falling into or entering the same.

12. Entrance to, or working in, any portion of an open working which is considered to be dangerous is prohibited, and access thereto shall be prevented as far as possible by efficient barriers.

13. Inadvertent access to water which contains poisonous or injurious chemicals used in mining operations must be prevented by fencing or other effectual means, and notices must be put up in suitable places warning persons against using such water.

III. Workmen.

14. Registers shall be kept at every mine of (1) the names of all persons directly employed by the Proprietor; (2) the names of all contractors with the number of persons they respectively employ; (3) the names of all platmen, mestris, blasters and engine drivers (if any) employed by contractors; (4) the number of females engaged in mining operations; (5) the number of persons below the age of twelve years engaged in mining operations.

The register shall also state whether such persons are employed above or below ground.

15. Every driver of a winding engine or locomotive and every blaster and underground mestri is required to hold a certificate in that capacity from an Inspector of Mines or one of his Assistants duly authorized to grant such certificates.

If in the opinion of an Inspector of Mines the holder of the certificate has been guilty of negligence or of misconduct in connection with the discharge of his duties, his certificate may be suspended or cancelled by an Inspector of Mines subject to confirmation by the Chief Inspector of Mines.

16. The following fees shall be paid by each applicant for a certificate under the preceding rule :—

	Rs.
Engine-driver, 1st class	15
Do 2nd class	5
Underground Mestri	5
Blaster	5

[NOTE.—Engine-drivers of the 2nd class are not permitted to raise and lower persons except with the special sanction of an Inspector of Mines.

Underground Mestris presenting themselves for examination may at the same time qualify as blasters without payment of any additional fee.]

17. Every applicant shall appear before an Inspector of Mines for examination and, after satisfying the latter as to his competency, shall be entitled to receive a certificate and a metal check marked with the registered number of the certificate.

Any applicant who fails to obtain a certificate may reappear for examination on payment of half the original fee prescribed by Rule 16.

18. Every certificate granted under these rules shall be kept in the possession of the Superintendent of the Mine at which the holder thereof is employed, and when the holder ceases to be employed at that Mine, the certificate shall be returned at once to the office of the Inspector of Mines, Oorgaum.

19. The metal check given with each certificate shall remain always in the possession of the certificate-holder and must not be transferred or disposed of in any way. The possession of these checks by any person other than the holder of the corresponding certificate is strictly prohibited, and any person finding one shall return it to the office of the Inspector of Mines, Oorgaum, without delay.

20. Any person who engages a workman who is new to the Mine must arrange that he is properly looked after until he is acquainted with the Mine.

21. Any workman sending a substitute in his place shall first obtain the permission of his immediate superior, and shall at the same time inform him whether the substitute is acquainted with the Mine. If he is not, the person so informed shall see that he is properly looked after. In the case of a substitute for a mestri or blaster, the consent of an Underground Agent ; and in the case of a substitute for an engine-driver, the consent of an Engineer must be obtained.

22. At every mine a room must be provided, proportionate in size to the number of persons employed and likely to require such a room, where underground workmen can change and dry their clothes. Engine and boiler rooms must not be used for this purpose.

23. No person shall be employed underground or in attendance on machinery who is under the age of twelve years.

IV. Underground Workings.

24. Every working place where work is being carried on shall be placed under the charge of an Underground Foreman or Timberman in the direct employment of the Company or a certified mestri or blaster who shall be responsible for the safety of such place and must be present.

25. The person in charge of a working place or place where men are stationed or pass shall take all precautions to ascertain if the place is safe. If there is reason to suppose that there is any danger to persons working, stationed, or passing therein, he shall proceed at once to remove the source of danger, and if he is unable to do so himself, he shall inform an Underground Agent or other mining officer or (unless he is himself an Underground Foreman or Timberman) an Underground Foreman or Timberman of the fact as soon as possible, and in any case before leaving the mine. He shall, in the meantime, stop all work or access to such working place, except for the purpose of making the place safe or saving life. A Foreman or Timberman who receives information, under this rule, of danger to a working place shall be then considered in charge of such working place.

26. Every working place and every place where persons are stationed or pass shall be inspected at least once every day, when work goes on there, during the morning shift, and as far as practicable at least once a week in each of the other shifts by an Underground Agent or Underground Foreman or Timberman who shall satisfy himself that the place is in a safe condition, and he shall report to the Superintendent any case of serious neglect on the part of the person in charge.

27. The examination under the above rules of any shaft by which men enter or leave a mine must be made by an Underground Agent or specially selected Underground Foreman, or Timberman, and the result of one such examination in every week must be entered in a book to be kept on the mine.

28. All shafts in use and all underground workings in which the ground is not sufficiently firm must be made secure with suitable timber work, and such timber work must be renewed as often as necessary to ensure the safety of the workmen, and until so secured or renewed no person shall travel or work therein, except for the purpose of making the place secure. When it is absolutely necessary to work below ground suspected to be unsafe which cannot be removed or permanently timbered at once, temporary supports shall, where practicable, be employed.

29. In timbering a shaft care shall be taken that the wood employed in places where the ground is dry shall not be of an easily inflammable nature, and suitable means shall be provided for checking any outbreak of fire.

30. Where a place is likely to contain a dangerous accumulation of water, a working approaching it shall not at any point within 40 yards exceed 8 feet in width, and 8 feet in height, and there shall be constantly kept at a sufficient distance, not being less than 5 feet, 6 inches, in advance, at least one bore-hole near the centre of the working and sufficient flank bore-holes on each side.

31. In all underground mining operations, the ground on the inside of the boundary lines must be left intact for a width of 6 feet from such boundaries, but the working, cutting through or removing these boundary pillars is allowed by agreement between the Proprietors of the adjoining mines.

32. An underground workman commencing work shall proceed to his working place by the recognized travelling road, and shall not without due cause stop or loiter on the way. On leaving work he shall again proceed to leave the mine as directly as possible along the recognized travelling road.

33. A workman having reached his working place shall commence work under the direction of his mestri and shall not leave the working place until the end of his shift without permission of his mestri.

34. Every mestri or other person in charge of a working party shall see that none of the workmen forming the party leave the working place without his permission. He shall report to an Underground Foreman any workman so leaving without permission.

35. Every mestri or other person in charge of a working place shall see that no other person except those workmen who are on duty at the said working place remain in or at the place, and shall report to an Underground Foreman any unauthorized person so doing.

V. Prevention of Falls of Things and Persons.

36. Tools, wood, stones, or any other loose articles shall not be put down or allowed to remain in such a position in or near shafts or winzes, or openings into stopes where work is going on, as may result in their falling into them. When a shaft, winze, rise, shoot or stope leads directly into a travelling road or place where persons are stationed or at work, the traffic at such places must be guarded against danger from falling articles.

37. Every opening into a shaft, winze, shoot, or sliding hole, and any opening into a stope more than 10 feet deep below a drive, and other dangerous openings shall be provided with a barrier or cover in order to prevent persons or things from falling into them; the barrier or cover may be temporarily removed when necessary, provided proper precautions are taken to prevent danger to persons.

38. No person shall cast any material down any shoot, pass, stope or other place until he has made himself sure that no person is in the way.

39. Men engaged in sinking or in repairing any portion of a shaft must be protected by a suitable covering from objects falling from above. The ladder-way may form part of such covering.

VI. Shafts and Outlets.

40. No Proprietor, Agent, or Superintendent of a mine shall employ any person in a mine, or permit any person to be in a mine for the purpose of employment therein, unless—

(*a*) There are at least two shafts or outlets with which all the underground workings of the mine have communication, so that such shafts or outlets afford separate and efficient means of ingress and egress available to all persons employed in the mine, whether the shafts or outlets belong to the same mine or to more than one mine.

Provided also, that such shafts or outlets must not at any point be nearer to one another than 30 feet: and that there is between two such shafts or outlets, a communication in the mine not less than 4 feet high and 4 feet wide, and that sufficient means of ingress and egress are provided at each shaft.

41. The provisions of Rule 40 shall not apply—

(1) to any shaft which is actually being sunk;

(2) to any work for the purpose of opening up communication; or

(3) to any work for the purpose of opening out the mine or proving or searching for minerals which does not continue for more than one year, or does not extend for more than 50 feet from the shaft.

42. The provisions of these rules shall also not apply—

(1) to any other work for the purpose of opening out the mine or proving or searching for minerals;

(2) in case of an accident to a shaft;

(3) if the mineral would not repay the cost of a second shaft;

(4) in other cases where the circumstances of the case would render the provision of two shafts not reasonably practicable and where the rock is firm and there is no reason to apprehend danger from water or noxious gases.

Provided that the consent of an Inspector of Mines is previously obtained.

43. Where there is only one shaft and it exceeds 100 feet in depth and is not merely a sinking shaft, it shall be provided both with ladders and with other means of raising and lowering men.

VII. Inclines.

44. Every underground plane on which persons travel on foot, which is self-acting (that is to say, the motive power is the weight of the load in the waggons), or worked by an engine, windlass or gin, shall be provided (if exceeding 30 yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient man-holes or places of refuge at intervals of not more than 20 yards. No person shall be allowed to travel on foot on any such plane, if there is not room for a person to stand between the tracks and one of the walls.

45. Every man-hole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in a man-hole or such space so as to prevent access thereto.

VIII. Winding Generally.

46. Windlasses, whims and whips in use at shafts and winzes shall be provided with a stopper, lynch-peg or other reliable holder.

47. The connection between the rope and the bucket, skip or other conveyance must be of such character that no accidental disconnection can take place, and care must be taken that the hooking on and off of buckets is done without danger to the workmen.

48. Before an unguided bucket, or other conveyance, is raised or lowered it must be steadied under the supervision of the workman in charge. Vertical shafts exceeding one hundred feet in depth shall be provided with guides for buckets, unless exempted in writing by an Inspector of Mines.

49. In hoisting, the bucket, skip or other receptacle shall not be filled to such a height that any of the contents can fall out, and in no case above the level of the brim.

50. In hoisting or lowering timber, tools, etc., ends projecting above the top of the cage, skip or bucket must be securely fastened to the rope or bow. If a detaching hook is employed between the rope and the conveyance, care must be taken to secure it to any material which may project above it.

51. Entering any section of a winding compartment of a shaft while winding is going on in that section is prohibited except in cases of necessity.

52. When winding is effected by means of an engine, each drum must be provided with an adequate brake so arranged that it can be easily manipulated by the engine-driver when standing at the levers controlling the engine.

53. Ropes used for winding must be in good condition and of good quality and manufacture. The wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted.

54. The rope shall be securely fastened to the drum, and there shall be at least two turns of rope on the drum when the cage, skip or bucket is at its lowest point in the shaft.

55. Whether detaching hooks for releasing the rope and hanging up the cage or skip in case of an overwind are provided or not, the runners shall be sprung or provided with 'dogs' or other device for holding up the cage or skip.

56. The brakes, rope, shackle and all other parts of the winding gear shall be carefully examined once in every twenty-four hours by a competent person specially appointed for the purpose, and a report of every such examination shall be entered forthwith in a book provided for the purpose. An Inspector of Mines shall have power to exempt small winding gears and hoists from the provisions of this rule.

57. (*a*) A Register shall be kept at every mine in which the following particulars (obtained from the makers) of all new winding ropes shall be entered in ink and certified to by the Superintendent. Each rope, as soon as received, shall be given a serial number in the Register.

Particulars—

Name and address of manufacturer.
Date of manufacture.
Date of receipt at mine.
Length of rope in feet.
Diameter and circumference of rope in inches, or (in the case of flat ropes) width and thickness of rope in inches.
Weight per foot in lbs.

Construction of rope—

Number of strands.
Class of core.
Character of 'lay,' etc.

Construction of strands—

Number of wires in strand.
Diameter of wires (decimals of an inch).
Class of core.
Class of steel of which wire is made.
Breaking stress of steel of which wire is made (tons of 2,000 lbs. per square inch).
Breaking stress of rope (tons of 2,000 lbs.)

(*b*) A Rope Record Book shall be kept at every mine, in which the following particulars of all ropes in use on winding gears which have not been exempted from the provisions of Rule 56, shall be entered in ink, each entry being signed by the person responsible for the examination of the rope.

Particulars—

Name of shaft at which rope is in use.
Compartment in which rope is in use.
Serial number of rope in Register.
Whether rope is new or, if not, reference to previous record.
Date on which rope is put on.
Dates of shortening and number of feet removed.
Dates of recapping.
Dates of turning end for end.
Dates of tests after shortening (if any).
Breaking stress of wires at these tests.
Dates when rope taken off.

IX. Special Rules for the Raising or Lowering of Persons.

58. No winding plant shall be used for raising and lowering persons unless permission, in writing, has been obtained from an Inspector of Mines. Before giving his permission the Inspector of Mines shall satisfy himself that the provisions of the Rules have been duly and reasonably complied with, not only in regard to the winding plant proper, but also in regard to the head gear, shaft, runners, cages or other conveyances, landing arrangements and signals; and that the condition of the same is satisfactory.

59. The head gear shall be of such height and construction that the cage or other conveyance can travel freely for a height of at least twenty-five feet above its position at the surface landing stage for persons.

60. Every winding plant used for raising and lowering persons shall be provided with a reliable depth indicator, plainly visible to the engine-driver, which shows the correct position of the cage or other conveyance in the shaft, and which, in the case of shafts exceeding three hundred feet in depth, will ring a bell in the engine room when the ascending conveyance is sixty feet below the collar of the shaft.

61. Every cage or other conveyance used in a vertical or steeply inclined shaft shall be provided with a roof or top cover and with proper safety catches where practicable. Cage entrances shall be provided with doors designed to prevent any portion of the body of any person travelling therein from coming in contact with the sides of the shaft. The doors shall be constructed so that they cannot open outwards, and shall be provided with a latch or other fastening to prevent them opening of themselves.

62. Rules 58, 59 and 60 shall not apply to sinking or prospecting shafts not exceeding 200 feet in depth.

63. The maximum number of persons allowed to travel in a cage or other conveyance shall be fixed by an Inspector of Mines, and shall be kept posted up at each landing place.

64. Every person who travels in a cage or other conveyance shall ride in it and not outside or on the edge. This does not apply to a person who is slowly lowered or raised for the purpose of examining the shaft.

65. At any shaft where the winding plant is not provided with a suitable device for preventing overwinding, the cage or other conveyance shall not be hoisted at a speed exceeding two hundred and fifty feet per minute when it is within sixty feet of the collar of the shaft.

66. Whilst persons are riding in a shaft, the winding of rock or other material must be discontinued, except where a separate engine is used for winding persons.

67. No person shall travel in any cage, skip or bucket with any heavy articles, especially drills or other tools. This rule shall not apply to persons specially authorized to travel with, and distribute, such articles, nor to persons in charge of underground works, sinkers, or workmen employed in repairing the shaft.

68. In the case of cages or other conveyances which do not conform to the rules regarding the winding of persons, the Superintendent may obtain the special sanction of an Inspector of Mines to permit mining officers and officials, certificated mestris and blasters and sinkers, and workmen engaged in repairing the shaft to ride therein, provided all available precautions are taken.

69. After any stoppage of winding for repairs or for any other purpose exceeding two hours' duration, the cage or other conveyance must be run a complete trip up and down the working portion of the shaft before any person is allowed to ride therein.

70. Where winding of persons in accordance with the foregoing rules is permitted, the following rules must be strictly observed:—

(*a*) One, or more than one, competent person, specially deputed by the Superintendent for the purpose, and whose name or names must be registered by him in a record book, termed the Machinery Record Book, shall carefully examine—

(1) every winding rope newly put on and its attachments to the drum and cage or other conveyance, and the same shall be used for the transport of persons

only after the conveyance, loaded to the full authorized extent, has been run two complete trips up and down the working portions of the shaft;

(2) at least once a week, the guides and the winding compartments generally the signalling arrangements, and the external parts of the winding engine;

(3) at least once a year, the winding engine as to the working condition of the internal parts;

(4) at least once a month, the structure of the rope for the purpose of discovering the amount of deterioration of same. For the purpose of this examination, the rope must be thoroughly cleaned at selected places.

A true report of the result of every examination above mentioned shall be recorded without delay in the Machinery Record Book which must be kept at the mine specially for the purpose, and shall be signed by the person who made the inspection. Should, as the result of such examination, any weakness or defect be discovered by which life or limb may be endangered, the defect shall immediately be reported to the Superintendent, and remedied; and no person shall be lowered or raised until the defect is made good.

(*b*) Winding ropes shall not be used for raising and lowering persons when, owing to deterioration or from any other cause, the breaking stress has become reduced to below six times the maximum working load.

(*c*) So soon as a rope becomes defective, it shall no longer be used for the transport of persons, unless the damaged part be at the end, and be cut off.

(*d*) A rope out of which any defective portion has been cut and the ends again spliced, and ropes which have been previously in use in places beyond the Superintendent's control, shall not be used to raise or lower persons.

(*e*) At every mine, at least one spare rope, suitable for use in any shaft in which persons are raised and lowered, shall be kept in reserve.

(*f*) A single linked chain shall not be used for raising or lowering persons or for attaching the rope to the skip or cage, except with the sanction in writing of an Inspector of Mines.

X. Signals.

71. At all winding shafts, exceeding one hundred feet in depth, arrangements must be provided for transmitting distinct and definite signals from the various levels in use and the shaft top, and between the shaft top and the engine driver. Where persons are raised and lowered arrangements shall also be made for return signals.

72. The engine-driver shall not set the engine in motion without having received a definite signal to do so. Neither the engine-driver nor banksman shall act on any signal of the correctness of which he has any doubt, unless he believes it may possibly be the signal to stop.

73. The banksman shall not permit the cage, skip or bucket to be moved from any landing or filling place in the shaft unless he has received a signal from that place, and if persons are to be raised or lowered, has returned the same.

74. Only persons specially authorized by the Superintendent for the purpose are allowed to give signals.

75. The following signals must be uniformly adopted in all mines:—

"One"—meaning to stop.
"Two"—meaning to lower.
"Three"—meaning to raise.

Additional signals shall be sanctioned by the Superintendent, and must not interfere with the above code.

76. Notices explaining the meaning of all permanent signals must be kept posted up in the engine room, at the shaft top and at all signal stations below-ground.

XI. Ladder Ways.

77. In shafts having an inclination of more than 65° with the horizontal, platforms or sollars must be provided at intervals not exceeding 35 feet. The manhole in any sollar shall be placed behind the ladder leading up from such sollar whenever the inclination of the shaft exceeds 70° with the horizontal.

78. In shafts having an inclination exceeding 45°, but not exceeding 65°, with the horizontal, the sollars shall be placed at intervals of not more than 55 feet, measured along the underlie of the shaft.

79. No ladder shall have a steeper inclination than 80° with the horizontal, except under special circumstances and with the consent in writing of an Inspector of Mines. This consent shall not be necessary for the lowest 30 feet of a sinking shaft.

80. Ladders must be securely fixed to the timbering of the shaft, and maintained in proper repair. Except at sollars or resting places, ladders must be made continuous or without perceptible overlapping or break.

81. Ladders must project at least three feet above the shaft top and above every sollar or landing place in shafts, and other travelling ways or strong holdfasts must be provided at all such places in convenient positions.

82. Travelling on foot in any shafts or shaft compartments except those specially provided and equipped for this purpose is strictly prohibited, except for purposes of inspection or repair.

83. In shafts having an inclination steeper than 45°, any compartment which is used as a foot travelling way shall be closely fenced off from the other compartments. In shafts less steeply inclined than the above, the ladder way shall be sufficiently railed off to prevent persons inadvertently entering the adjoining compartments.

84. Carrying tools or other loose materials up or down a ladder way having an inclination steeper than 45° is prohibited except when absolutely necessary. When tools are carried in a ladder way they must be secured in a sling to the person carrying them.

XII. Ventilation, Lighting, etc.

85. Sufficient ventilation must be provided to render all working places and travelling roads in a mine, under ordinary circumstances, fit for working in, and as far as possible free from fumes, smoke, dust or noxious gases.

86. A working place shall not be deemed to be fit for working in if a candle will not burn erect when shielded from a draught.

87. All doors which are required to be kept shut for purposes of ventilation shall be made self-closing.

88. All holes drilled in dry ground must, as far as practicable, be kept moist to prevent the atmosphere being charged with dust.

89. Unauthorized entrance into abandoned or disused workings is prohibited and should, as far as possible, be prevented by boarding or otherwise. Underground works (especially shafts, sumps, winzes and rises) which have been unused for some time shall, before work is started, be examined with a light, and if the air is foul, no work shall be permitted there until the foulness has been removed.

90. Stationary lights shall be provided at all stations and other places in shafts which are for the time being in use, also in all places where pumps or other machinery or appliances are in motion, unless the same are fenced off so as to render it impossible for any one to come in contact with them inadvertently; and at night at all working places on surface.

91. Moving about without a light in any unilluminated part of the mine is prohibited.

92. The Superintendent shall make all necessary sanitary arrangements as shall be approved by the Medical Officer, and shall appoint some person or persons who shall be responsible that all surface and underground workings and spaces are constantly kept sanitarily clean. A supply of pure drinking water shall be provided underground at suitable and convenient places.

XIII. Explosives.

93. No explosives shall be stored in or about a mine except in accordance with the provision of the Mysore Explosives Regulation and Rules, or as provided for in Rules 94 to 105 hereunder.

94. A daily supply magazine may be placed in the neighbourhood of each shaft for the daily requirements of the mine. The position and construction of every such magazine shall be approved of by an Inspector of Mines, who shall determine the maximum amount of explosives—not exceeding 300 lbs.—to be stored therein. Blasting powder shall not be stored with high explosives, but must be kept in a separate compartment having a separate entrance. Detonators shall not be stored in a compartment with any other explosives.

95. The storage of explosives underground is prohibited, except in the following cases:—

(*a*) A small amount of explosives may be kept in boxes for unforeseen contingencies; each box must be securely made and kept locked, and may not contain except in cases coming under (*b*), more than half a pound of cartridges, six detonators and three yards of fuse. The detonators must be in a distinct compartment of the box, separated by a strong partition from the rest. No box shall be so placed that there is any risk of its being exploded or ignited by the explosion or ignition of any other box, or otherwise.

(*b*) When all the charges fired in a single shift are not fired at the same time, the explosives for the uncharged holes may be kept in the meantime at a safe distance. They must be placed in charge of some person responsible for them, where there is no risk of their being exploded or ignited.

(*c*) A magazine may in special cases be provided underground for storing the daily requirements of a mine or part of a mine in blasting materials, provided that the quantity of explosives of all kinds stored in such magazine shall not exceed an amount to be fixed by an Inspector of Mines, and provided that the magazine shall be placed at a sufficient distance from any portion of the mine in which work is going on or which is used as a thoroughfare, as will in the opinion of an Inspector of Mines prevent the risk of injury to any person from the explosion of the maximum amount of explosives allowed in the magazine, or from the fumes of the gases resulting from the combustion of such maximum amount, and provided that every precaution is adopted which an Inspector of Mines may require to be taken to prevent the explosion or ignition of such explosives and the injury to any person thereby. Detonators shall not be stored in a compartment containing or immediately adjoining one containing other explosives.

96. Explosives must be in their ordinary manufactured form and of good quality and as far as can be practically known in good condition when distributed for use. Only one kind of detonator shall, except with the permission of an Inspector of Mines, be used in the same mine. It shall be of sufficient power for every kind of explosive used.

97. No working place must be supplied with a greater quantity of explosive material than will probably suffice for the requirements of the shift.

98. A book must be kept to record the quantity of explosive material supplied to each contractor or blaster.

99. Explosives issued from the magazine shall be taken directly to the working place, and any unused explosives must be returned to the magazine near the shaft without any delay. Any one finding any explosive must take it at once to the nearest magazine.

100. The removal of explosives to any place not authorized by these rules, and the sale or purchase of explosives in the mine are strictly prohibited.

101. Explosives including fuse, when issued from the magazine, must be carried at all times in secure cases or canisters, and no case or canister may contain more than fifteen pounds of explosives.

102. Detonators must not be carried in the same case or canister with other explosives.

103. Explosives shall not be sent down in a bucket, skip or cage, unless there is a distinguishing mark attached to the bucket, skip or cage, or they are accom-

panied by some one who is responsible for them. If taken down by ladder, each case or canister must be securely fastened to the person carrying it.

104. All explosive material must be distributed, whether above or below ground, only by the person or persons appointed for that purpose by the Superintendent.

105. No fuse or explosives are allowed to be taken into the mine other than the brands specially authorized by the Superintendent.

XIV. Blasting.

106. All blasting operations shall be conducted by a blaster holding a blaster's certificate under Rule 15. In cases of emergency, a person who does not hold a blaster's certificate may be authorized to conduct blasting operations by the Superintendent or an Underground Agent who shall be responsible that such person is competent.

107. The blaster shall himself prepare the fuze, detonator and primer for use and shall charge every hole, but he may be assisted otherwise in the preparations of charges and in firing the shots by one or more competent assistants.

108. During the preparation of charges and the charging of holes, all lights must be kept at a safe distance, and smoking shall be strictly prohibited while explosives are being handled.

109. Every blaster must carry a knife in order to be able to cut a burning fuze, if necessary, and also a pair of pliers for crimping the detonator on to the fuze.

110. The fuze with its attached detonator shall, after being inserted in the primer cartridge, be securely fastened thereto by string or other suitable material so that it cannot be easily withdrawn from the cartridge. The fuze and detonator shall not be inserted in the primer until it is required for immediate use.

111. In charging or stemming holes the use of any iron or steel tool, scraper or rod is prohibited, and no explosive shall be forcibly pressed into a hole of insufficient size.

112. A wad of paper about one inch thick must be inserted immediately on top of the primer and below the tamping which shall be at least six inches deep. Only sand loosely filled in or soft clay lightly pressed home or water shall be used as tamping for any explosive requiring the use of a detonator.

113. Not more than eight holes, unless the fuzes are ignited by more than one person, in which case the number may be increased to twelve holes, shall be fired in one round in any drive, stope, end or shaft, or unless the charges are fired electrically, or unless the special permission of an Inspector of Mines has been obtained. No holes shall be charged except those which are to be fired in the next round, and all those which have been charged shall be fired in one round.

114. Blasting gelatine or other high explosive shall not be lighted in order to set fire to fuzes, but a small portion of such explosive may be attached to the end of a fuze to assist it to ignite.

115. Before any shots are fired, due warning shall be given in every direction by shouting the fire signal, and all approaches to the place where the shots are being fired shall be guarded. The blaster shall be responsible that no person is allowed to remain in, or to come into, dangerous proximity to the shots.

116. Whenever any working place approaches another so closely that any further blasting will reduce the intervening rock to a thickness of six feet or less, such further blasting must be conducted from one working place only at any one time. The Underground Agent in charge shall be responsible that the working parties are duly warned of the near approach of the two places, and the blaster in charge of the operations in the one place shall take steps to ensure that no person remains in the other place while shots are being fired.

117. The number of shots which explode must be counted by at least two persons, one of whom shall be the blaster. Unless both are certain that all the charges have exploded, the working place must not be re-entered for at least thirty minutes after the first explosion.

118. If all the charges have exploded properly or if they have been fired electrically, the working place may be re-entered as soon as it is sufficiently clear of fumes: provided that in the case of electric firing the source of electricity shall have first been disconnected.

119. After blasting has taken place, the blaster, or person in charge of the working place shall be the first to re-enter the place, and until he has pronounced it to be safe and sufficiently free from fumes he shall not permit any other person to enter except for the purpose of making it safe.

120. In clearing the stuff broken by the blast, loose unexploded cartridges, detonators, etc., must be carefully looked for and, if found, removed at once by the blaster or mestri in charge to a safe place.

121. Before drilling is commenced all loose rock must be removed from the working faces, and if any sockets or portions of holes which have not broken are found, they shall be securely plugged with wooden plugs, of which a supply shall be provided.

122. In the event of a mis-fire (or charge failing to explode properly) having occurred or being suspected, the blaster himself must be the first to re-enter the working place. He shall search for the mis-fire and, if necessary, may have the place cleaned up for this purpose; but he shall permit no other work.

123. As soon as the mis-fire has been found the blaster shall refire it without delay, for which purpose he shall insert a fresh primer with detonator and fuze in the hole. If necessary, the tamping may be gently removed with a wooden or copper scraper; but not the paper wad.

124. If the mis-fire cannot be found or reblasted, the blaster shall, before leaving the mine, inform the mestri in charge, of the next shift, and also an Underground Agent, Foreman or Timberman who shall then be considered to be in charge of the working place. The blaster shall, before leaving the mine, cause a report of every mis-fire to be entered in a book kept for the purpose at the shaft top. Unless the mestri is present at the working place, the blaster shall, before leaving, post a man to prevent access thereto, and warn persons of the existence of the mis-fire.

125. The mestri in charge of the next shift may have the place cleaned up and made secure, but no drilling shall be permitted until the mis-fire has been reblasted, or until the place has been inspected by an Underground Agent, Foreman or Timberman and instructions obtained from him as to the course to be followed. The Agent, Foreman or Timberman shall take steps to ensure that his instructions are properly carried out, and both he and the mestri shall be held responsible for this being done.

126. No portion of a charge shall be withdrawn from a hole either before or after blasting. The deepening of or tampering with holes or portions of holes, in which explosives have once been charged, is strictly prohibited.

127. The person in charge of the working place shall point out the position and direction of every new hole to be drilled, and shall be responsible that the drillers do not deviate therefrom. The greatest care shall be taken that no new hole shall be bored in such a direction that it can come in dangerous proximity to any old hole or socket in which explosives have previously been charged.

XV. Machinery.

128. All steam-boilers, compressed air-receivers and driving-gear must be in the personal charge of competent men appointed by the Chief Engineer. Every steam-boiler and air-receiver shall have attached to it a proper safety-valve and steam gauge and water-gauge or air-gauge, and shall be inspected by an Engineer once a week at least.

129. (*a*) Before a boiler or air-receiver is cased in or put in commission, it shall be subjected to hydraulic test by the Chief Engineer or a competent person appointed by him. The test shall be repeated after any important renewals or repairs, and in any case at least once in every twelve months in the case of a boiler, and once in three years in the case of an air-receiver. A record of every such test shall be entered in books kept for the purpose.

(*b*) In the case of an air-receiver the hydraulic pressure shall be 1½ times the maximum working pressure permitted.

(*c*) In the case of a boiler the hydraulic pressure shall be twice the maximum working pressure allowed when the latter does not exceed 75 lbs. per square inch, and at least 75 lbs. per square inch above the maximum working pressure in other cases.

(*d*) The working pressure shall be measured as the pressure in excess of that due to the atmosphere.

130. A notice shall be posted in every engine-house specifying the highest pressure to which the steam or air in every boiler or receiver, in or adjoining such engine-house may be raised, and the minimum height of water allowable in each boiler shall be clearly marked on the water gauge and on the boiler shell.

131. The weight of every safety-valve shall be fixed on the lever so that it cannot be inadvertently shifted so as to increase the pressure.

132. Every boiler shall be cleaned out and examined internally at least once in every twelve months, and a record shall be kept at the office of the mine of the condition at the time of every such cleaning.

133. All exposed parts of machinery, which are dangerous when in motion, must be railed or partitioned off in such a manner that no accident can occur except through carelessness.

134. Every person in charge of any boiler, engine or other appliance, apparatus or machine shall see that it is in proper condition before commencing work, and if there is any defect shall remedy the same or report it to a Chief or Assistant Engineer; he must see that boilers are kept properly supplied with water, that no extra weights of any kind are added to the safety-valves of boilers and receivers, and that the allowed pressure of steam or air is not exceeded. If anything occurs to prevent a boiler being adequately supplied with water, he shall damp or draw the fire without delay, and in case of any dangerous defect shall stop work until it is remedied.

135. Engine-drivers and firemen are not allowed to work longer than the ordinary shift prescribed at a mine, unless it is absolutely necessary. If the driver or fireman of a winding engine shall work longer than the prescribed shift, an entry of the fact must be made in a book kept for the purpose. During his shift an engine-driver or fireman shall not leave his post except when absolutely necessary, nor without leaving some person in charge. He shall not allow any one else to handle the engine unless with the order or permission of the Chief, or an Assistant, Engineer, or in case of emergency.

136. In the case of an engine-driver of a winding engine in which persons are raised or lowered, the shift shall not exceed eight hours in twenty-four, and in the case of an engine-driver of any other winding engine, shall not exceed ten hours, except in the case of small mines not exceeding 400 feet deep, or with the permission of an Inspector of Mines.

137. The repairing, adjusting, cleaning or lubricating of machinery in motion shall not be permitted when there is a risk of personal injury.

138. Shipping and unshipping driving belts while the machinery is in motion is prohibited, unless a satisfactory mechanical appliance is provided for the purpose. This shall not apply to the customary shifting of light belts on the coned pulleys of machine tools.

XVI. Electrical Plant and Fittings.

139. All Electrical Apparatus and Conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered or safeguarded, and so installed, worked and maintained as to reduce the danger through accidental shock or fire to a minimum; and shall be of such construction and so worked that the rise in temperature, caused by ordinary working, will not injure the insulating materials.

140. All metallic covers, armouring of cables, other than trailing cables, and the frames and bed-plates of Transformers and motors, other than portable motors, shall, as far as is reasonably practicable, be efficiently earthed when the pressure at the terminals, where the electricity is used, exceeds 250 volts.

141. Main and distribution switch and fuse boards must be made of incombustible insulating materials, and be fixed in as dry a situation as practicable.

142. Every sub-circuit must be protected in one of the three following alternative methods :—

(*a*) By an automatic maximum cut-out on each pole ;

(*b*) By a detachable fuse on each pole, constructed in such a manner that it can be removed from a live circuit with the minimum risk of shock;

(*c*) By a switch and fuse on each pole.

143. Fire buckets, filled with clean, dry sand, shall be kept in electrical machine rooms, ready for immediate use in extinguishing fires.

144. Gloves and mats or shoes of India rubber, or other non-conducting material, shall be supplied and used where the live parts of switches or machines, working at any pressure above 250 volts, have to be handled for the purpose of adjustment.

145. No person shall wilfully damage, interfere with, or without proper authority remove or render useless, any electric line, or any machine, apparatus or part thereof, used in connection with the supply or use of electricity.

146. Where a Generating Station, under the control of the Mining Company on whose property it is situated, is not within 400 yards of any shaft down which the current is led, an efficiently enclosed locked switch box or a switch-house shall be provided near the pit-mouth, for the cutting off the supply of electricity to the underground portions of the Mine.

147. Every transmission line, carried overhead, on the surface, must be efficiently supported upon insulators, and clear of traffic, and provided with efficient lightning arrestors.

148. All terminals and live metal on machines or switchboards working at a pressure exceeding 250 volts underground, or 600 volts on surface shall, where practicable, be protected with insulating covers, or metal covers connected to earth, when situated in any position in which it is easily possible for a person to come in contact with them.

149. No unauthorized person shall enter a motor room, or interfere with the working of any motor or apparatus connected therewith. Suitable screens, guards or partitions of non-inflammable material shall be fixed so as to prevent the space at the back of transformers and high tension switchboards being used as passage ways.

150. Unless fixed, as far as is reasonably practicable, out of reach of injury, all conductors, other than armoured cables, must further be protected by a suitable covering. Where lead-covered cable is used, the lead shall be earthed and electrically continuous throughout.

Where main or other roads are being repaired or blasting is being carried out, suitable temporary protection must be used, so that the cables are reasonably protected from damage.

151. The fixing with metallic fastenings of cables and wires, which are not provided with metallic coverings, to walls or timbers, is prohibited.

152. Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs. Fuses shall be adjusted or replaced only by an authorized person.

153. All live parts of switches, fuses and cut-outs, not in machine rooms or compartments specially arranged for the purpose, must be covered.

154. Where unarmoured cables or wires pass through metal frames or into boxes, transformers or motor casings, the holes must be substantially bushed with insulating bushes.

155. In all machine rooms and other places underground, where a failure of electric light is likely to cause danger, lamps or other proper lights shall be kept for use in the event of such failure.

156. Instructions shall be posted up in one or more suitable places on every mine, containing directions as to the restoration of persons suffering from electric shock.

157. All proper precautions must be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

158. Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use before the coming into force of these rules, may be continued in use unless an Inspector of Mines shall otherwise direct, or subject to any conditions affecting safety that he may prescribe.

159. Under special circumstances or in case of emergency, an Inspector of Mines shall have power to grant exemption from the requirements of any of the rules in this section upon such conditions as he may consider desirable or necessary.

XVII. Accidents, Ambulance, etc.

160. Whenever an accident occurs at a mine which results in the death of, or serious injury to, any person, the Superintendent shall at once send notice thereof in writing to an Inspector of Mines, stating fully all particulars regarding such accident, in accordance with the form in the schedule to these rules. The notice shall be accompanied or followed by a certificate from the Medical Officer regarding the nature of injury or cause of death. Where practicable, a brief notice of the accident shall also be sent by telegraph or telephone.

161. By serious injury is meant an injury which results, or is likely to result, in total or partial loss of, or permanent damage to, any limb or organ, fracture of any of the larger bones (including the bones of the skull), dislocation of the hip or knee, great loss of blood, internal bleeding or prolonged unconsciousness, or which may be declared to be serious by the Medical Officer.

162. If death results from the effects of an accident, whether such death occurs at the time of the accident or subsequently, the Superintendent shall send notice of the same forthwith to the nearest Magistrate or Police Officer as well as to the Inspector of Mines.

163. The place where an accident involving the death of, or serious injury to, any person has occurred shall be left untouched after removal of the injured person or persons until it has been examined by an Inspector of Mines or until the expiry of forty-eight hours, unless the stoppage of work at that place would seriously impede the work of the rest of the mine, or unless the consent of the Inspector of Mines to the resumption of work has been obtained.

In the event of the Inspector of Mines being unable to proceed to the scene of the accident himself or to send a qualified deputy, he shall, if he considers an enquiry to be necessary, inform the nearest Magistrate, who shall thereupon cause an investigation to be made on the spot into the cause of the accident. A copy of the evidence taken at such investigation shall be forwarded to the Inspector of Mines.

164. In every case in which death has resulted from an accident, and in all cases resulting in serious personal injury, in which any wilful or negligent breach of these rules has been disclosed, the Inspector of Mines shall furnish a report of his investigation to the nearest resident Magistrate, who shall thereupon make such further investigation or take such action as he may consider necessary. The Magistrate shall inform the Inspector of Mines of the date of such further investigation or action, and the latter shall be at liberty to appear and examine any witness.

165. Whether personal injury is caused or not, every accident occurring under the following classification shall be reported without delay to the Inspector of Mines:—

(1) Engine running out of control;

(2) Fracture of any essential part of winding engine, crank shaft, couplings, bearings, gearings, clutch, drums, or drum shaft;

(3) Fracture of winding rope or of its attachment to skip, cage, or drum;

(4) Fracture of pit-head sheave or axle or bearings of same;

(5) Failure of efficiency of brake;

(6) Failure of safety catch to act when required;

(7) Failure of device for prevention of overwinding or of detaching hook to act when required;

(8) Overwinding of cage or skip;

(9) Bursting of anything containing steam, compressed air or other substance at high pressure;

and a record shall be kept at every mine of all cases of jamming or derailment of skip and cages.

166. The proprietor shall see that the following medical provision is made for persons employed in mining operations: —

(1) If the number of persons so employed exceeds 1,500, one qualified Medical Officer residing within three miles;

(2) If the number of persons so employed exceeds 250 and does not exceed 1,500, one qualified Medical Officer residing within ten miles, and if the Medical Officer does not reside within three miles, then in addition one trained Hospital Assistant within three miles.

(3) If the number of persons so employed exceeds 50 but does not exceed 250, then one trained Hospital Assistant within five miles.

These distances will be measured from any part of the mine where more than 50 persons are employed.

167. If any Medical Officer who is not employed by the Proprietor shall attend on any person employed in mining operations, the Proprietor shall pay such amount for his services as the Senior Surgeon in Mysore shall direct.

168. In order to render immediate assistance in cases of injuries such as broken bones, wounds, bleeding, contusion, scalding and suffocation, there must be ready at hand at every mine all such necessary articles and medicines as the Medical Officer shall direct, and also an ambulance for the removal of injured persons; and so far as possible every person in charge of any work below ground shall be acquainted with the means of giving first aid to persons injured.

169. Every workman receiving any personal injury in any mining operations shall, before leaving the mine, report the same to one of the Mining Officers or the watchman at the top of a shaft or to his immediate superior; and any person to whom such report is made shall, as soon as possible, communicate the same to the Superintendent.

XVIII. Mine Plans.

170. A general plan, made by a competent surveyor, of the land, which is in the possession of the Mining Proprietor for mining purposes or over which he holds any mining rights, to a distance of 600 feet from any point where mining operations are or have been carried on, but not beyond the limits of such land, must be kept at the mine, and be made up at least every four months.

171. The general plan must show the Government survey marks (if any), the boundaries of the land, the outcrops, as well as the actual strike and dip of the reefs or other mineral deposits so far as known, all open surface workings, shaft openings, bore-holes, water-furrows, reservoirs, tailings-sites, public roads and railways and the principal buildings and sites of mining and metallurgical plant. It must also show the geographical meridian.

172. Besides the general plan referred to above, the Superintendent must keep in the office of the mine an underground working plan and section or sections showing clearly all the workings surveyed up to within four months from date.

173. The underground plans and sections must in particular show clearly all shafts, bore-holes, drives, crosscuts, winzes, rises, excavations (stoped ground) and any tunnels and passages connected therewith, and the position of all permanent winding gear, pumps, ventilating fans, brattices and doors for regulating ventilation, and all underground bench marks, and stations of the underground survey, and in addition thereto the vertical depth of bore-holes, the depth at which the mineral deposits have been intersected, the general strike of the reefs or mineral deposits, with their dips at different points, and the dislocations of the strata.

174. All underground plans must be on the scale of 30 or 60 feet to one inch.

175. All bench marks or stations of the underground surveys must be properly marked with holes and plugs, and care taken to preserve them in view of subsequent surveys.

176. The plottings of every survey must be made from a line or lines representing on the plan the true geographical meridian.

177. In case of a mine or any considerable part of it being intentionally abandoned, the general and underground plans and underground sections must first be completed up to date, and the same or exact copies thereof must be sent to the Chief Inspector of Mines within two months of such abandonment.

178. All underground workings must, when it is possible, first be surveyed before being allowed to become inaccessible.

179. Any Proprietor, Agent or Superintendent or other person engaged in mining operations, who wilfully withholds any portion of a mine plan, or conceals any part of the workings, or knowingly allows the mine plans to be incorrect, shall be guilty of a breach of these rules.

180. A true copy, on mounted paper or tracing cloth, of the general plan and of every underground plan or section, referred to in Rules 170 and 172, shall be deposited with the Chief Inspector of Mines, and the said copies shall be brought up to date once every year by the Superintendent.

For this purpose the said copies may be obtained by the Superintendent from the Chief Inspector of Mines any time subsequent to the 31st of December, and shall be returned to the Chief Inspector of Mines not later than the 1st of June following.

XIX. Government Returns and Inspections.

181. The Superintendent of a Mine shall furnish to the Chief Inspector of Mines a statement showing the quantities of ore obtained and treated, and the quantity of metal or other finished products obtained, and other returns and statistics in such form and at such time as may be prescribed by the Government.

182. Where any working is commenced for the purpose of opening a mine, or where the working of a mine is temporarily or permanently discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the Proprietor or his Agent or Superintendent shall immediately give written notice thereof to the Chief Inspector of Mines.

183. The Proprietor or his Agent or Superintendent shall, without delay, furnish the Chief Inspector of Mines with the following information :—

(1) Name of Mine,
(2) Name and address of Proprietor,
(3) Name and address of Agent or Superintendent;

and shall likewise give notice of any change in their names or addresses within three days of such change.

184. In case of the abandonment of a mine, the Proprietor, at the time of such abandonment, shall continue to be responsible for the carrying out of the rules regarding the protection of the surface under Section III, the furnishing of plans under Section XVIII, and the sending in of returns under Section XIX, until such rules have been complied with.

Upon the Chief Inspector of Mines being satisfied that such rules have been duly complied with, he shall issue a certificate to that effect, and the Proprietor shall thereupon be relieved from all further responsibilities.

185. An Inspector of Mines or his authorized representative shall at all reasonable times have access to the plans and sections in order to examine and inspect them, take copies thereof, and make extracts therefrom; and shall be entitled to enter upon any part of the mine above or below ground, and inspect and examine the state and condition thereof, and of the mines and buildings and mining and metallurgical plant therein or thereon, and the mode in which operations are carried on, and hold enquiries as to accidents; but so far as possible in such a manner as not to impede or obstruct the working of the mine, and the Proprietor, Agent and Superintendent shall, with proper persons employed in the mine and acquainted with mining and metallurgical operations and with the engines, machinery and apparatus and other mining and metallurgical plant upon or within the mine effectually assist in the conduct of every such inspection or examination, affording all information required therefor, and producing any books or records required to be maintained under these rules.

186. Notice shall be given to the Chief Inspector of Mines if any working approaches within a horizontal distance of a railway equal to twice its depth below the surface, or to 500 feet, whichever is less.

187. If any mine is worked in a manner which, though not expressly forbidden by the provisions of these rules, is nevertheless dangerous, an Inspector of Mines may require the matter to be remedied, and the representative of such mine shall comply with such requisition, or else submit the matter to arbitration.

188. An Inspector of Mines is also entitled to take, or cause to be taken, such samples of ore, quartz or other minerals from any reefs, beds or deposits or from any intermediate or final products extracted, obtained or produced in the course of any mining operations, as he in the execution of his duty may think fit, but if they be of more than two pounds weight, or contain more than five grains of gold, or be taken more than once in three months, the Government shall pay for the same at a fair valuation.

189. Every person who wilfully obstructs an Inspector of Mines in the execution of his duty, and every Mining Proprietor, Agent or Superintendent, who refuses or neglects to furnish to an Inspector of Mines the means necessary for making any entry, inspection or enquiry, under the Mysore Mines Regulation, 1906, or these rules, shall be deemed to commit a breach of these rules.

190. An order by an Inspector of Mines suspending or postponing the operation of any of these rules or giving any permission under these rules shall not be valid unless it is in writing. Any such order may be subsequently revoked by an Inspector of Mines.

191. The Superintendent, or in his absence the highest Mining Officer who may be present, shall, upon application by any local Magistrate or Police Officer not below the rank of Chief Constable, whose duties require him to visit the mine, give him every facility for the purpose.

XX. Bribery and other undue influences.

192. Any person who shall render any service, or use any threat to any other person, with the view of preventing any workman, contractor, foreman, Mining Officer, Government servant, or other person engaged or expecting to be engaged in mining operations or in work connected with the Government inspection of mines from exactly complying with these rules, or from performing duly, honestly and without favour to any person or persons the duty he is employed to perform, or shall attempt or agree to render any such service, or use any such threat, or shall accept or attempt or agree to accept any such service, or shall on receiving any such threat fail to at once inform a Mining Officer thereof, shall be guilty of a breach of these rules.

193. Any workman, contractor, foreman, Mining Officer, Government servant or other person engaged or expecting to be engaged in mining operations, or in work connected with the Government inspection of mines, who shall accept any service from any person or persons who is concerned or is likely to be concerned in any operation, proceeding or business transacted or likely to be transacted by the person accepting such service, or having any other connection with the duties he or any person to whom he is subordinate, or likely to be subordinate, is employed to perform, or from any person who is interested in, or related to, the person so concerned or likely to be concerned, shall also be guilty of the breach of these rules.

194. For the purpose of these rules a service shall be considered to include the payment of any sum, the gift or sale without adequate consideration of any thing, and every other favour or gratification of any description, whether estimable in money or not; but not recognised and legitimate remuneration for mining work.

XXI. General Rules.

195. The working of the mine shall be under the general control and responsibility of the Superintendent.

196. The Superintendent or other Mining Officer acting under his instructions, shall, at least once in three days, while the men are at work, visit and examine

every working place in the mine and all machinery and other mining operations of every description below ground or on the surface, and shall see that safety in every respect is ensured.

197. Except under the provisions of these rules, no person shall enter a mine who has not previously obtained the consent of the Superintendent or his representative.

198. No person shall be allowed to enter a mine in an intoxicated condition, or if known to be subject to any complaint which might place his life in danger.

199. Unauthorized entrance into any shaft or other working or into any shed or enclosure or into any place where machinery or boilers or receivers are erected, or other mining operations are carried on, is prohibited, and notices to this effect must be posted up at all entrances.

200. No workman shall, except in cases of emergency, go to any part of the mine, except where it is necessary for him to go in the course of, or when coming to, or from, his work.

201. For the purpose of making these rules known to all persons in and about the mine, printed copies thereof must be posted in conspicuous places at the mine where they can be conveniently read, and every person employed in or about the mine is enjoined to thoroughly acquaint himself with them so far as they affect his duties.

202. All rules and notices shall be printed or written in such languages as an Inspector of Mines shall direct, and must be posted up in a position where they can be easily seen by persons frequenting the place.

203. All rules and notices posted in or about the mine must be authorized by the Superintendent.

204. Any person pulling down or otherwise defacing any rules or notice, when posted up, is liable to punishment.

205. In all cases where any person is required by these rules to make any report he shall sign his name to it. If he is unable to write, he shall be present when his report is written, and shall have it read over to him and shall attach his mark to such report in token of this having been done. The name of the person writing the report shall also be entered at the end of the report, together with a statement of its having been read over to the person on whose behalf it is written.

206. All persons are enjoined to thoroughly acquaint themselves with and carry out the sanitary arrangements in the mine which may from time to time be made by the Superintendent with the approval of the Medical Officer. Any person who does not conform to these arrangements shall be deemed to commit a breach of these rules.

207. Where the duties of more than one post are entrusted to the same person, that person shall be bound by, and observe, the rules attached to each such post.

208. No person shall depute any one to do his work without the sanction of his immediate superior.

209. No person shall wilfully damage, or without proper authority remove, or render useless any fence, fencing, manhole, place of refuge, casing, guide, signal or means of signalling, chain, flange, horn, brake, indicator, steam-gauge, watergauge, safety valve or other appliance or thing, which has been provided for the purpose of carrying out these rules, or for the safety of the workmen or otherwise for the purpose of properly carrying on mining operations, or which may be obtained or produced in the course of mining operations; nor is any one permitted to alter, remove, or in any way render useless any arrangement in the mine provided for the above purposes, without the consent of the Superintendent.

210. If any person employed in a mine shall, by any act or omission wilfully or negligently do anything which may allow or facilitate injury to, loss, destruction or theft of any property employed in or produced in the course of mining operations, he will be deemed to commit a breach of these rules.

211. Any person employed in or about the mine who shall, by any act of omission, wilfully or negligently do anything likely to endanger life, or shall

wilfully or in a careless or thoughtless manner expose himself to danger, will be deemed to be guilty of a breach of these rules.

212. Every person who shall forge or falsify a certificate granted under these rules, or use a certificate falsely purporting to be granted under these rules, or use a certificate granted under these rules as his own which was granted to another person, or shall sell or dispose of a certificate granted or falsely purporting to be granted under these rules, shall be guilty of a breach of these rules.

213. Fines and deductions from wages, other than fines levied under the Mysore Mines Regulation, 1906, shall be levied and made only by a Mining Officer.

214. No person shall refuse or neglect to obey any orders issued with a view to the safety or the convenience or proper discipline of the mine, not being inconsistent with these rules, by any person under whose orders he is placed, nor shall he interfere with, impede or obstruct any person in the discharge of his duties, or interfere with or obstruct the working of the Mine.

215. All workmen shall strictly adhere to these rules, and to any directions issued by the Superintendent with a view to their safety or convenience or the proper discipline of the mine, not being inconsistent with these rules, contained in the notices posted in or about the mine for the guidance of the workmen.

216. Any person who may observe or be aware of any neglect or infringement of these rules shall report the case to his immediate superior or to the Superintendent or an Underground Agent or other Mining Officer, or (if the person reporting the same is a workman) to an Underground Foreman or Timberman, so that immediate means may be taken to rectify it and to prosecute the offender.

217. Any one who shall knowingly permit any person over whom he exercises authority to commit, or shall otherwise abet, a breach of these rules, or shall observe or be aware of a breach thereof, without reporting the same as aforesaid, shall himself be deemed to commit a breach thereof.

218. Every person employed in mining operations (other than the Proprietor, Agent or Superintendent) who is wilfully or negligently guilty of any act or omission which in the case of a Proprietor, Agent or Superintendent would be a breach of rules, shall be deemed to commit a breach of these Rules.

219. All workmen who neglect to observe any of the provisions of these rules, may be suspended or discharged and ordered out of the mine by the Superintendent or other Mining Officer.

220. No person shall be selected or allowed to perform or shall perform any duty in connection with any mining operations unless he is fully competent and qualified to carry out the work allotted to him.

221. The Proprietor, Agent and Superintendent shall provide for the safety and proper discipline of the men employed above and below ground, and appoint such persons as may be necessary for carrying out the provisions of these rules, and, in the case of any contravention of or non-compliance with these rules by any person whatsoever, the Proprietor, Agent and Superintendent shall each, unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing these rules, to prevent such contravention or non-compliance, be deemed to have committed a breach of these rules. It shall be the duty of the Superintendent to prosecute any person employed on the mine who is guilty of a breach of these rules, except in cases which are so trivial that a prosecution is inadvisable.

222. If there is anything in the construction of any mine which at the time of the issue of these rules is not in accordance with these provisions, the Inspector of Mines shall have power to postpone the operation of these rules in such cases for such period as he shall think fit.

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geol. Dept.

(SCHEDULE.)

Year *Accident No.*

REPORT OF ACCIDENT (1).

Date of accident—
Class of accident (2)—
Number killed—
Number injured—
Name of mine—
Name of shaft—
Level (3)—
Locality (4)—
Time of accident (5)—

Persons killed—Names	Age	(6) Occupation	Hours worked before accident	Nature of injury causing death and date of death

Persons injured—Names	Age	(6) Occupation	Hours worked before accident	Nature of injury

How the accident happened—

Whether the work was being carried on by a contractor or by the Company (or mine-owners)—

Name of contractor and certificate No.—

Name and certificate No. of mestri or blaster, and if present—

Name of Foreman in charge of the safety of the part of the mine where the accident happened—

Name and title of Mining Officer in charge of that part of the mine—

Superintendent.

EXPLANATIONS.

(1) Every accident resulting in death or serious injury and every accident causing personal injury (whether serious or not) arising from an explosion of any kind, or fumes of an ignited explosive, or from the bursting of anything containing steam, c air or other substance at high pressure, must be reported.

An injury is to be considered as serious when it incapacitates the person inj work for not less than seven days.

(2) Insert numbers corresponding to the following classes :—

1. Falls in mine.—Falls of hanging-wall.
2. Falls in mine.—Falls of sides or roof.
3. Falls in mine.—Falls of ore from working places.
4. In and at shafts.—Overwinding.
5. In and at shafts.—Ropes and chains breaking.
6. In and at shafts.—Whilst ascending or descending by machinery.
7. In and at shafts.—Falling into shaft from surface.
8. In and at shafts.—Falling from part way down.
9. In and at shafts.—Things falling from surface.
10. In and at shafts.—Things falling from part way down.
11. In and at shafts.—Miscellaneous.

(Winzes and rises are not to be considered shafts for the purpose of this report.)

12. Miscellaneous below ground.—Suffocation by gases.
13. Miscellaneous below ground.—Explosion due to misfire.
14. Miscellaneous below ground.—By explosives (other than misfires).
15. Miscellaneous below ground.—Falls of persons or things in Rises, Winzes and Stopes.
16. Miscellaneous below ground.—On inclined and engine planes. (Where the inclination of a shaft to the horizontal is not more than 30°, it is to be considered an incline for the purpose of this report.)
17. Miscellaneous below ground.—By trams or tubs, but not on inclined and engine planes.
18. Miscellaneous below ground.—By machinery.
19. Miscellaneous below ground.—By other causes.
20. On surface.—By machinery.
21. On surface.—Boilers and steam pipes bursting, etc.
22. On surface.—On railways, tramways, or aerial ropeways belonging to mine.
23. On surface.—Miscellaneous.

(3) If on surface, say so. All accidents on the surface works of the Company must be reported.

(4) If in stope, state which stope, and whether underhand or back stope. Also in what part of the stope.

(5) The twenty-four hours should be used as in railway time-tables.

(6) If the person is a female, the fact should be noted in this column in addition to her occupation.

This report, after being filled in and signed by the Superintendent or other superior officer of the mine at the foot of page 2, should be folded and despatched forthwith.

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geological Dept.

NOTIFICATION.

No. J. 864—*Legis.* 16-09-37, *dated Bangalore, 11th September* 1911.

Rules under the Mysore Weights and Measures Regulation, III of 1902.

Preamble.—In exercise of the powers conferred by Regulation III of 1902, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules for regulating the use of weights and measures of capacity in all parts of the State from and after the 1st day of July 1912.

Nothing in these rules is intended to have application to, or to interfere with, the use of the British or the metric system of weights and measures, or any other recognized system not based on a weight or measure called the "seer" or any sub-division or multiple thereof, as a unit.

Rule 1.—(1) The standard of weight shall be the "seer" weight, which is a mass of metal in the possession of Government equal to the weight of 24 rupees (of 180 grains Troy each) of the British Indian currency.

(2) The standard of measure of capacity shall be the "seer" measure, which is a hollow bronze cylinder in the possession of Government, capable, when filled to the brim, of holding just 108 tolas (of 180 grains Troy each) weight of distilled water at its maximum density and under the normal atmospheric pressure.

Rule 2.—(1) The standard seer weight and seer measure aforementioned shall be carefully secured in the State Huzur Treasury in the personal custody of the Officer in charge of the Treasury.

(2) A duplicate copy of the standard seer weight and a duplicate copy of the standard seer measure shall be kept in the Bangalore Central Jail in the personal custody of the Superintendent of the Jail; and the same shall be compared and, if necessary, corrected not less often than once in five years with the standards preserved in the State Huzur Treasury.

The Superintendent shall keep a register in which the fact of such comparison and correction shall be entered and certified to by him and the Officer in charge of the State Huzur Treasury.

Rule 3.—The use of the following weights and measures of capacity is hereby recognized:—

(*A*) *Weights*—

Tola (=180 grains, Troy), equal to one twenty-fourth of a seer as defined in Rule 1 (1).
- Half-tola; quarter-tola; and smaller sub-divisions of a tola.
- Multiples of a tola to be described as so many tolas.

Seer, equal to the standard seer weight as defined in Rule 1 (1).
- Half-seer (*Achcheru*), equal to 12 tolas.
- Quarter-seer (*Pavu*), equal to 6 tolas.
- One-eighth seer (*Arapavu*), equal to 3 tolas.

Maund (*Mana*), equal to 40 seers.
- Lower multiples of a seer, to be described as so many seers (with or without fractional parts), or as such fraction of a maund; *e.g.*, 5 seers (*Pancheru*); 10 seers (*Dhadiah*); ½ maund; ¼ maund, etc.
- Multiples of a maund, to be described as so many maunds (with or without fractional parts); *e.g.*, 2 maunds; 2½ maunds, etc.

Bengal seer (*Bengal seru*), equal to 80 tolas.

Bengal maund (*Bengal mana*), equal to 40 Bengal seers of 80 tolas each.
- Multiples of the Bengal seer and Bengal maund, to be described as so many Bengal seers or Bengal maunds.

Pound (*Avoirdupois*) *lb.* equal to 7,000 grains Troy [108 pounds=175 seers as defined in Rule 1 (1)].

Half-pound; quarter-pound; and smaller sub-divisions of a pound.

Multiples of a pound to be described as so many pounds with or without fractional parts.

A *stone* equal to 14 lbs. A *quarter* equal to 28 lbs. A *cwt.* equal to 112 lbs. And a *ton* equal to 2,240 lbs. or 20 cwts.

(*B*) *Measures*—

Seer, equal to the standard seer measure as defined in Rule 1 (2).

Sub-division of a seer, as follows :—

Half-seer (*Achcheru*); quarter-seer (*Pavu*); one-eighth seer (*Arapavu*); one-sixteenth seer (*Chataku*).

Balla, equal to 4 seers; Kolaga equal to 8 seers.

Lower multiples of a seer, to be described as so many seers (with or without fractional parts), or such fraction of a kolaga.

Palla, equal to 100 seers.

Khandi, equal to 20 kolagas or 160 seers.

Lower multiples of a kolaga to be described as so many kolagas (with or without fractional parts), or such fraction of a palla or khandi.

Rule 4.—The Superintendent of the Bangalore Central Jail shall manufacture copies of the more commonly used weights and measures which, after being carefully verified and stamped with the stamp of verification, shall be available for sale at prices not exceeding 10 per cent over and above the cost of manufacture.

Rule 5.—Correct copies of the standards of weight and measure, and also of the more commonly used weights and measures, shall be supplied by the Superintendent of the Central Jail, Bangalore, to the offices mentioned in Section 3 of the Regulation, as well as to every Amildar's Office and Police Station. These shall be verified not less often than once in ten years by the Superintendent of the Central Jail, and shall be replaced whenever necessary.

Rule 6.—In the absence of usage or an express or implied understanding to the contrary, it will be assumed that in measuring an article by any of the recognized measures of capacity, the measure is not heaped, but either is stricken with a round stick or roller, straight and of the same diameter from end to end, or, if the article sold cannot from its size or shape be conveniently stricken, is filled in all parts as nearly to the level of the brim as the size and shape of the article will admit.

Rule 7.—Weights and measures of capacity shall be made of metal: provided that measures below a seer in capacity may be made either of metal or of wood or of bamboo.

Rule 8.—The shape of weights, except where handles or depressions for lifting occur, shall, as far as possible, be such that both the upper and under surfaces shall be flat and the horizontal sections circular or rectangular.

Measures shall be hollow cylinders, with as nearly as possible a plane base, and internal diameter equal to not less than two-fifths and not more than three-fifths of the depth.

Rule 9.—Every weight, except where the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures and letters.

Every measure of capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this rule shall not be stamped with a stamp of verification under these rules.

Rule 10.—Every weight, except where the small size of the weight renders it impracticable, and every measure of capacity, manufactured in the Bangalore Central Jail or presented for verification thereat or at such other place as the Government may appoint for this purpose, shall be verified and stamped with a stamp of verification in the form given below.

Form of stamp.—The form of the stamp shall be as in the margin, the figures denoting the year of stamping.

Rule 11.—Subject to any directions that may be given by Government, a Deputy Commissioner may empower one or more officers in his district to act as Inspectors of weights and measures, whose duty will be to inspect weights and measures and weighing instruments in use. For this purpose and for the purpose of Section 153* of the Code of Criminal Procedure, they shall be deemed, in regard to the whole of the local area under their jurisdiction, to have been appointed officers in charge of a Police Station.

Rule 12.—(1) Any person having in his possession any weights and measures not manufactured by Government, may apply to the Superintendent of the Bangalore Central Jail or to such other officer as may be appointed by Government for this purpose for the verification and stamping of such weights and measures. Any weight or measure once verified may be verified again on application.

(2) Every such application shall be stamped with a Court fee of the value of one anna for each weight or measure to be dealt with.

Rule 13.—(1) The officer making the verification under the previous rule will, without any extra charge, make any slight adjustment that may be found necessary to make the weights and measures perfectly accurate.

(2) He is also empowered to deface, or render incapable of use, or refuse to verify, correct or stamp, any weight or measure brought to him for verification or correction, which appears to him unfit for verification or correction.

APPENDIX.

HINTS FOR TESTING WEIGHTS AND MEASURES.

I. Testing of weights.—

Sensibility of balance.—When weights have to be verified by standard weights and only common scales or balances are available, the first thing to be done is to try the balance as to its degree of sensibility, apart from the question of equilibrium. Suppose a maund weight of 40 seers is received for verification. Put a standard maund weight in a right-hand scale and exactly counterbalance it by weights in the left. If 40 grains weight will make a difference when placed in either scale, the balance may be considered good enough for the verification of a common maund weight of commerce. If a balance does not turn with $\frac{1}{500}$ part of the weight that may be in one scale, it cannot be used for very accurate purposes.

Verification of weights.—The maund weight received for verification should be examined thus:—

Place the standard maund weight in the right-hand scale and exactly counterbalance it; then take it out and put in its place the weight to be verified. If the beam shows an equipoise, the weight is correct. It is of no consequence whether the arms of the beam are equal or not, or in other words, whether the scales used for this test are or are not correct.

Section 153 of the Code of Criminal Procedure.—Inspection of weights and measures.—(1) Any officer in charge of a Police Station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a magistrate having jurisdiction.

Correctness of balance.—To ascertain if the balance is correct, put a standard maund weight into the right-hand scale and exactly counterbalance it with stones, sand or any other material in the left-hand scale. Then take it out and put in other weights into the right-hand scale and produce exact equipoise. It is now evident that the two weights weighed in the right-hand scale are equal to one another: remove the weight from the left-hand scale and put therein the weight taken from the right-hand scale, and if the beam shows a true equipoise, the balance is correct; if not, the beam or the scales can only be adjusted by a competent workman. This applies to all beam balánces.

II. Testing of grain and liquid measures.—

Diameter of grain measures.—When a grain measure is received for being stamped, the first thing to be done is to measure the diameter carefully. If the diameter of the measure is exactly the same as that of the standard measure, the measure may be accepted for testing. If not, the measure should be rejected.

NOTE.—If a measure is not quite round, a mean between the longest and shortest diameters should be taken.

Method of test employed.—The only system of test to be employed in testing measures is that by volume of water, for the proper performance of which the officer is provided with either a specifically constructed set of standardized testing vessels or with two test glasses, a twenty-ounce glass equivalent to a quart and a five-ounce glass graduated to quarters of an ounce.

Preliminaries to testing.—The following preliminaries must be attended to before the actual process of testing can be commenced. The best drinking water available should be obtained, as it is the clearest. The measure to be tested should be well washed out, and if it is of wood or bamboo, water should be allowed to stand in it for a quarter of an hour before testing, so as to guard against absorption during the testing, whereby the result would be falsified. If the measure is found to be leaky, the leaks should be caulked on the outside only with pitch or sealing-wax.

Process of testing.—The test should then be applied in the following manner:—The rim of the measure should be moistened, as otherwise water may stand without spilling quite a sixteenth of an inch above it; and in a measure of five inches diameter this will represent 1·39 tolas of rice. The measure should then be filled with water. This is done by pouring water into it from the test glass, either the large twenty-ounce glass or the small five-ounce one, or both being used according to the size of the measure under examination. In pouring water from the test glass into the measure, care should be taken to prevent the water from overtopping the rim of the measure. The surface of the water must be exactly level with the rim. It can be easily ascertained how many ounces of water have been used to fill the measure. The quantity of water, if any, found to have been spilt should be deducted from the total quantity poured out from the test glass. If it be found impossible to staunch a leaky measure, reliable results may be obtained by catching the water which escapes by leakage, measuring it, and deducting the quantity from that poured into the measure from the test glass. The remainder represents the exact capacity of the measure in ounces of water. If this is equal to the proper capacity of the measure, calculated at 44·5 fluid ounces for the standard seer measure, the measure may be taken to be correct and stamped accordingly; otherwise it should be rejected. The "correct copies" of measures themselves should on no account be used in the application of the test, as it is almost impossible to pour out the liquid from such measures filled to the brim without spilling. If, however, special vessels of standard capacities are made with a narrow neck and broad lip for pouring, similar in shape to the gallon pot used in the Excise Department, and standardized to fluid ounces, there is no objection to such measures being used for the purpose of testing. The use of ounce glasses will then be only required in the primary test of capacity of such special measures.

By Order,

C. S. BALASUNDARAM IYER,
Officiating Secretary to Government,
General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 38.

BANGALORE, THURSDAY, SEPTEMBER 21, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 444, dated Bangalore, 22nd August 1911.

In supersession of the rules prescribed under Sections 11 and 28 of the Mysore Mines Regulation, III of 1897, and published under Government Notification (Geological) No. 94-M., dated 9th December 1897, and subsequently amended, the Government of His Highness the Maharaja of Mysore, in exercise of the powers conferred on them by Sections 21 and 37 of the Mysore Mines Regulation, IV of 1906, are pleased to prescribe the following Rules :—

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt.; Geol. Dept.

RULES PRESCRIBED UNDER SECTIONS 21 AND 37 OF THE MYSORE MINES REGULATION (IV OF 1906).

I. Preliminary.

1. In these Rules the word "Regulation" shall mean the Mysore Mines Regulation, IV of 1906, and all words defined in that Regulation shall have the same meaning in these Rules.

2. In these Rules—

(1) "Chief Inspector of Mines" means the Senior Inspector of Mines for the time being.

(2) "Chief Underground Agent" is the officer of the mine who is in charge of the whole of the underground portion thereof under the direction of the Superintendent.

(3) "Assistant Underground Agent", is an officer whose duty it is to assist the Chief Underground Agent.

(4) "Chief Engineer" is the officer in charge of all the machinery of the mine.

(5) "Assistant Engineer" is an officer whose duty it is to assist the Chief Engineer.

(6) "Mining Officer" includes the Superintendent, Chief Underground Agent, Chief Engineer, Accountant, Assayer and Cashier and their respective Assistants, and others holding posts of equal importance.

(7) "Underground Foreman" is a subordinate official of the mine to whom the detailed execution of part of the duties of a Chief or Assistant Underground Agent is delegated.

(8) "Timberman" means a miner whose duty it is to see that the fixing of timber is done in a proper and workman-like manner.

(9) "Workman" includes every person engaged in mining operations, and inferior in position to an Underground Foreman or Timberman.

(10) "Working place" means any place above or below ground where any mining operation is being carried on, and includes any winze, pass, way or other means of access thereto which is not used for general travelling purposes.

(11) "Working party" means a party of two or more men working at the same working place.

(12) "Blaster" means a workman employed in blasting operations, who prepares charges of explosives, charges holes and fires shots.

(13) "Mestri" means any workman in charge of a working party.

(14) "Banksman" means a workman stationed at the shaft top, specially appointed to superintend the raising and lowering of materials, tools and persons, and the transmission of signals between the shaft top and the Engine Driver and between the shaft top and the stations below ground.

(15) "Platman" means a workman specially appointed to superintend the loading and unloading of materials, tools and persons at any station below ground, and the transmission of signals between such station and the shaft top.

(16) "Contractor" is a person who contracts to drive, sink, or stope, clear dirt or do any other work for a consideration calculated on the work performed, and who employs workmen who are paid by him and are not in the direct employment of the company.

(17) "Contractor's Mestri" means any mestri in charge of a working party working under a contractor.

(18) The "Immediate Superior" of any person employed in a mine is the person, whether a Mining Officer or Foreman or Timberman or Contractor or Mestri, from whom he takes orders. In the case of a workman other than a mestri, it will generally be the person in charge of his working place.

(19) "Medical Officer" is the duly qualified person appointed by the Proprietor to have medical charge of the persons employed. Any person with the qualification required for an Assistant Surgeon in the Mysore Medical Service or any superior qualification shall be considered duly qualified for the purpose of these rules. If no Medical Officer shall be appointed by the Proprietor, the Civil or Assistant Surgeon of the District shall be the Medical Officer of the mine for the purpose of these rules.

(20) "Shaft" means any adit or vertical or inclined way or opening leading from the surface to the underground workings or from one portion of the underground workings to another, which is or might be used for winding, draining, travelling or ventilating purposes in connection with prospecting or mining operations.

(21) A "Sinking Shaft" is a shaft exclusively devoted to its depth being increased.

(22) "Winze" means a small underground shaft, either vertical or inclined.

(23) "Timber work" shall include masonry, iron-work or other means of securing ground.

(24) The expression "these rules" includes any general or special rules prescribed by the Government under Sections 21, 22 and 37 of the Mysore Mines Regulation, 1906.

II. Protection of the Surface.

3. Places where mining operations have caused large cracks and falls of earth on the surface, or where such are likely to occur, must be properly fenced in.

4. For the protection of public squares, roads, railways, cemeteries, rivers, water-rights, buildings and other property on the surface, the reefs, or other mineral deposits must be left intact for such depth below them and for such horizontal distance as an Inspector of Mines shall prescribe.

5. All excavations made contrary to the provisions of the preceding rule shall be immediately filled up with rock, sand or earth by the person or persons responsible for such excavations, failing which they shall be filled up by the Proprietor of the mine or by the Government at his expense.

6. The top and side entrances of all shafts that are more than 10 feet deep must be kept securely fenced or covered, except so far as may be necessary to allow of mining operations being efficiently carried on. The fence may be removed for necessary work if due precautions are taken.

7. When any shaft, trench or other excavation more than 10 feet deep, made in the course of mining operations, is or has been abandoned or the working thereof discontinued at whatever time the abandonment or discontinuance occurs, the Mining Proprietor and every other person interested in the land in which such excavation is situated shall, without delay, either fill up such shaft, trench or other excavation, or protect the same by a substantial stone barrier on all sides at least 3 feet, 6 inches high and 2 feet thick.

Provided that this rule may be relaxed with the consent of an Inspector of Mines or of the Deputy Commissioner of the District in the case of an open working of which no side has a steeper slope than 45°, and which is not considered to be dangerous.

8. In digging prospecting trenches the materials excavated must be used to form approximately equal ridges on all sides.

9. In open workings the overburden and all loose ground and materials shall be removed sufficiently far from the edge or otherwise, and made secure to prevent danger to persons employed in the mine.

10. The sides of open workings shall be sloped, stepped or secured in such a manner as to prevent danger from falls of material, and no side shall be cut or worked so that any portion of it projects or overhangs.

11. When any side of an excavation or open working, or portion thereof, which exceeds 10 feet in depth, has a slope which is steeper than 45°, the top of such side shall be protected by a suitable fence or barrier to prevent persons inadvertently falling into or entering the same.

12. Entrance to, or working in, any portion of an open working which is considered to be dangerous is prohibited, and access thereto shall be prevented as far as possible by efficient barriers.

13. Inadvertent access to water which contains poisonous or injurious chemicals used in mining operations must be prevented by fencing or other effectual means, and notices must be put up in suitable places warning persons against using such water.

III. Workmen.

14. Registers shall be kept at every mine of (1) the names of all persons directly employed by the Proprietor; (2) the names of all contractors with the number of persons they respectively employ; (3) the names of all platmen, mestris, blasters and engine drivers (if any) employed by contractors; (4) the number of females engaged in mining operations; (5) the number of persons below the age of twelve years engaged in mining operations.

The register shall also state whether such persons are employed above or below ground.

15. Every driver of a winding engine or locomotive and every blaster and underground mestri is required to hold a certificate in that capacity from an Inspector of Mines or one of his Assistants duly authorized to grant such certificates.

If in the opinion of an Inspector of Mines the holder of the certificate has been guilty of negligence or of misconduct in connection with the discharge of his duties, his certificate may be suspended or cancelled by an Inspector of Mines subject to confirmation by the Chief Inspector of Mines.

16. The following fees shall be paid by each applicant for a certificate under the preceding rule :—

	Rs.
Engine-driver, 1st class	15
Do 2nd class	5
Underground Mestri	5
Blaster	5

[NOTE.—Engine-drivers of the 2nd class are not permitted to raise and lower persons except with the special sanction of an Inspector of Mines.

Underground Mestris presenting themselves for examination may at the same time qualify as blasters without payment of any additional fee.]

17. Every applicant shall appear before an Inspector of Mines for examination and, after satisfying the latter as to his competency, shall be entitled to receive a certificate and a metal check marked with the registered number of the certificate.

Any applicant who fails to obtain a certificate may reappear for examination on payment of half the original fee prescribed by Rule 16.

18. Every certificate granted under these rules shall be kept in the possession of the Superintendent of the Mine at which the holder thereof is employed, and when the holder ceases to be employed at that Mine, the certificate shall be returned at once to the office of the Inspector of Mines, Oorgaum.

19. The metal check given with each certificate shall remain always in the possession of the certificate-holder and must not be transferred or disposed of in any way. The possession of these checks by any person other than the holder of the corresponding certificate is strictly prohibited, and any person finding one shall return it to the office of the Inspector of Mines, Oorgaum, without delay.

20 Any person who engages a workman who is new to the Mine must arrange that he is properly looked after until he is acquainted with the Mine.

21 Any workman sending a substitute in his place shall first obtain the permission of his immediate superior, and shall at the same time inform him whether the substitute is acquainted with the Mine. If he is not, the person so informed shall see that he is properly looked after. In the case of a substitute for a mestri or blaster, the consent of an Underground Agent ; and in the case of a substitute for an engine-driver, the consent of an Engineer must be obtained.

22. At every mine a room must be provided, proportionate in size to the number of persons employed and likely to require such a room, where underground workmen can change and dry their clothes. Engine and boiler rooms must not be used for this purpose.

23. No person shall be employed underground or in attendance on machinery who is under the age of twelve years.

IV. Underground Workings.

24. Every working place where work is being carried on shall be placed under the charge of an Underground Foreman or Timberman in the direct employment of the Company or a certified mestri or blaster who shall be responsible for the safety of such place and must be present.

25. The person in charge of a working place or place where men are stationed or pass shall take all precautions to ascertain if the place is safe. If there is reason to suppose that there is any danger to persons working, stationed, or passing therein, he shall proceed at once to remove the source of danger, and if he is unable to do so himself, he shall inform an Underground Agent or other mining officer or (unless he is himself an Underground Foreman or Timberman) an Underground Foreman or Timberman of the fact as soon as possible, and in any case before leaving the mine. He shall, in the meantime, stop all work or access to such working place, except for the purpose of making the place safe or saving life. A Foreman or Timberman who receives information, under this rule, of danger to a working place shall be then considered in charge of such working place.

26. Every working place and every place where persons are stationed or pass shall be inspected at least once every day, when work goes on there, during the morning shift, and as far as practicable at least once a week in each of the other shifts by an Underground Agent or Underground Foreman or Timberman who shall satisfy himself that the place is in a safe condition, and he shall report to the Superintendent any case of serious neglect on the part of the person in charge.

27. The examination under the above rules of any shaft by which men enter or leave a mine must be made by an Underground Agent or specially selected Underground Foreman, or Timberman, and the result of one such examination in every week must be entered in a book to be kept on the mine.

28. All shafts in use and all underground workings in which the ground is not sufficiently firm must be made secure with suitable timber work, and such timber work must be renewed as often as necessary to ensure the safety of the workmen, and until so secured or renewed no person shall travel or work therein, except for the purpose of making the place secure. When it is absolutely necessary to work below ground suspected to be unsafe which cannot be removed or permanently timbered at once, temporary supports shall, where practicable, be employed.

29. In timbering a shaft care shall be taken that the wood employed in places where the ground is dry shall not be of an easily inflammable nature, and suitable means shall be provided for checking any outbreak of fire.

30. Where a place is likely to contain a dangerous accumulation of water, a working approaching it shall not at any point within 40 yards exceed 8 feet in width, and 8 feet in height, and there shall be constantly kept at a sufficient distance, not being less than 5 feet, 6 inches, in advance, at least one bore-hole near the centre of the working and sufficient flank bore-holes on each side.

31. In all underground mining operations, the ground on the inside of the boundary lines must be left intact for a width of 6 feet from such boundaries, but the working, cutting through or removing these boundary pillars is allowed by agreement between the Proprietors of the adjoining mines.

32. An underground workman commencing work shall proceed to his working place by the recognized travelling road, and shall not without due cause stop or loiter on the way. On leaving work he shall again proceed to leave the mine as directly as possible along the recognized travelling road.

33. A workman having reached his working place shall commence work under the direction of his mestri and shall not leave the working place until the end of his shift without permission of his mestri.

34. Every mestri or other person in charge of a working party shall see that none of the workmen forming the party leave the working place without his permission. He shall report to an Underground Foreman any workman so leaving without permission.

35. Every mestri or other person in charge of a working place shall see that no other person except those workmen who are on duty at the said working place remain in or at the place, and shall report to an Underground Foreman any unauthorized person so doing.

V. Prevention of Falls of Things and Persons.

36. Tools, wood, stones, or any other loose articles shall not be put down or allowed to remain in such a position in or near shafts or winzes, or openings into stopes where work is going on, as may result in their falling into them. When a shaft, winze, rise, shoot or stope leads directly into a travelling road or place where persons are stationed or at work, the traffic at such places must be guarded against danger from falling articles.

37. Every opening into a shaft, winze, shoot, or sliding hole, and any opening into a stope more than 10 feet deep below a drive, and other dangerous openings shall be provided with a barrier or cover in order to prevent persons or things from falling into them; the barrier or cover may be temporarily removed when necessary, provided proper precautions are taken to prevent danger to persons.

38. No person shall cast any material down any shoot, pass, stope or other place until he has made himself sure that no person is in the way.

39. Men engaged in sinking or in repairing any portion of a shaft must be protected by a suitable covering from objects falling from above. The ladder-way may form part of such covering.

VI. Shafts and Outlets.

40. No Proprietor, Agent, or Superintendent of a mine shall employ any person in a mine, or permit any person to be in a mine for the purpose of employment therein, unless—

(*a*) There are at least two shafts or outlets with which all the underground workings of the mine have communication, so that such shafts or outlets afford separate and efficient means of ingress and egress available to all persons employed in the mine, whether the shafts or outlets belong to the same mine or to more than one mine.

Provided also, that such shafts or outlets must not at any point be nearer to one another than 30 feet: and that there is between two such shafts or outlets, a communication in the mine not less than 4 feet high and 4 feet wide, and that sufficient means of ingress and egress are provided at each shaft.

41. The provisions of Rule 40 shall not apply—

(1) to any shaft which is actually being sunk;

(2) to any work for the purpose of opening up communication; or

(3) to any work for the purpose of opening out the mine or proving or searching for minerals which does not continue for more than one year, or does not extend for more than 50 feet from the shaft.

42. The provisions of these rules shall also not apply—

(1) to any other work for the purpose of opening out the mine or proving or searching for minerals;

(2) in case of an accident to a shaft;

(3) if the mineral would not repay the cost of a second shaft;

(4) in other cases where the circumstances of the case would render the provision of two shafts not reasonably practicable and where the rock is firm and there is no reason to apprehend danger from water or noxious gases.

Provided that the consent of an Inspector of Mines is previously obtained.

43. Where there is only one shaft and it exceeds 100 feet in depth and is not merely a sinking shaft, it shall be provided both with ladders and with other means of raising and lowering men.

VII. Inclines.

44. Every underground plane on which persons travel on foot, which is self-acting (that is to say, the motive power is the weight of the load in the waggons), or worked by an engine, windlass or gin, shall be provided (if exceeding 30 yards in length) with some proper means of communicating distinct and definite signals between the stopping places and the ends of the plane, and shall be provided in every case with sufficient man-holes or places of refuge at intervals of not more than 20 yards. No person shall be allowed to travel on foot on any such plane, if there is not room for a person to stand between the tracks and one of the walls.

45. Every man-hole and space for a place of refuge shall be constantly kept clear and no person shall place anything in a man-hole or such space so as to prevent access thereto.

VIII. Winding Generally.

46. Windlasses, whims and whips in use at shafts and winzes shall be provided with a stopper, lynch-peg or other reliable holder.

47. The connection between the rope and the bucket, skip or other conveyance must be of such character that no accidental disconnection can take place, and care must be taken that the hooking on and off of buckets is done without danger to the workmen.

48. Before an unguided bucket, or other conveyance, is raised or lowered it must be steadied under the supervision of the workman in charge. Vertical shafts exceeding one hundred feet in depth shall be provided with guides for buckets, unless exempted in writing by an Inspector of Mines.

49. In hoisting, the bucket, skip or other receptacle shall not be filled to such a height that any of the contents can fall out, and in no case above the level of the brim.

50. In hoisting or lowering timber, tools, etc., ends projecting above the top of the cage, skip or bucket must be securely fastened to the rope or bow. If a detaching hook is employed between the rope and the conveyance, care must be taken to secure it to any material which may project above it.

51. Entering any section of a winding compartment of a shaft while winding is going on in that section is prohibited except in cases of necessity.

52. When winding is effected by means of an engine, each drum must be provided with an adequate brake so arranged that it can be easily manipulated by the engine-driver when standing at the levers controlling the engine.

53. Ropes used for winding must be in good condition and of good quality and manufacture. The wires used in the construction of the ropes shall be of sizes suitable for use with the sheaves and drums fitted.

54. The rope shall be securely fastened to the drum, and there shall be at least two turns of rope on the drum when the cage, skip or bucket is at its lowest point in the shaft.

55. Whether detaching hooks for releasing the rope and hanging up the cage or skip in case of an overwind are provided or not, the runners shall be sprung or provided with 'dogs' or other device for holding up the cage or skip.

56. The brakes, rope, shackle and all other parts of the winding gear shall be carefully examined once in every twenty-four hours by a competent person specially appointed for the purpose, and a report of every such examination shall be entered forthwith in a book provided for the purpose. An Inspector of Mines shall have power to exempt small winding gears and hoists from the provisions of this rule.

57. (*a*) A Register shall be kept at every mine in which the following particulars (obtained from the makers) of all new winding ropes shall be entered in ink and certified to by the Superintendent. Each rope, as soon as received, shall be given a serial number in the Register.

Particulars—

Name and address of manufacturer.
Date of manufacture.
Date of receipt at mine.
Length of rope in feet.
Diameter and circumference of rope in inches, or (in the case of flat ropes) width and thickness of rope in inches.
Weight per foot in lbs.

Construction of rope—

Number of strands.
Class of core.
Character of 'lay,' etc.

Construction of strands—

Number of wires in strand.
Diameter of wires (decimals of an inch).
Class of core.
Class of steel of which wire is made.
Breaking stress of steel of which wire is made (tons of 2,000 lbs. per square inch).
Breaking stress of rope (tons of 2,000 lbs.)

(*b*) A Rope Record Book shall be kept at every mine, in which the following particulars of all ropes in use on winding gears which have not been exempted from the provisions of Rule 56, shall be entered in ink, each entry being signed by the person responsible for the examination of the rope.

Particulars—

Name of shaft at which rope is in use.
Compartment in which rope is in use.
Serial number of rope in Register.
Whether rope is new or, if not, reference to previous record.
Date on which rope is put on.
Dates of shortening and number of feet removed.
Dates of recapping.
Dates of turning end for end.
Dates of tests after shortening (if any).
Breaking stress of wires at these tests.
Dates when rope taken off.

IX. Special Rules for the Raising or Lowering of Persons.

58. No winding plant shall be used for raising and lowering persons unless permission, in writing, has been obtained from an Inspector of Mines. Before giving his permission the Inspector of Mines shall satisfy himself that the provisions of the Rules have been duly and reasonably complied with, not only in regard to the winding plant proper, but also in regard to the head gear, shaft, runners, cages or other conveyances, landing arrangements and signals; and that the condition of the same is satisfactory.

59. The head gear shall be of such height and construction that the cage or other conveyance can travel freely for a height of at least twenty-five feet above its position at the surface landing stage for persons.

60. Every winding plant used for raising and lowering persons shall be provided with a reliable depth indicator, plainly visible to the engine-driver, which shows the correct position of the cage or other conveyance in the shaft, and which, in the case of shafts exceeding three hundred feet in depth, will ring a bell in the engine room when the ascending conveyance is sixty feet below the collar of the shaft.

61. Every cage or other conveyance used in a vertical or steeply inclined shaft shall be provided with a roof or top cover and with proper safety catches where practicable. Cage entrances shall be provided with doors designed to prevent any portion of the body of any person travelling therein from coming in contact with the sides of the shaft. The doors shall be constructed so that they cannot open outwards, and shall be provided with a latch or other fastening to prevent them opening of themselves.

62. Rules 58, 59 and 60 shall not apply to sinking or prospecting shafts not exceeding 200 feet in depth.

63. The maximum number of persons allowed to travel in a cage or other conveyance shall be fixed by an Inspector of Mines, and shall be kept posted up at each landing place.

64. Every person who travels in a cage or other conveyance shall ride in it and not outside or on the edge. This does not apply to a person who is slowly lowered or raised for the purpose of examining the shaft.

65. At any shaft where the winding plant is not provided with a suitable device for preventing overwinding, the cage or other conveyance shall not be hoisted at a speed exceeding two hundred and fifty feet per minute when it is within sixty feet of the collar of the shaft.

66. Whilst persons are riding in a shaft, the winding of rock or other material must be discontinued, except where a separate engine is used for winding persons.

67. No person shall travel in any cage, skip or bucket with any heavy articles, especially drills or other tools. This rule shall not apply to persons specially authorized to travel with, and distribute, such articles, nor to persons in charge of underground works, sinkers, or workmen employed in repairing the shaft.

68. In the case of cages or other conveyances which do not conform to the rules regarding the winding of persons, the Superintendent may obtain the special sanction of an Inspector of Mines to permit mining officers and officials, certificated mestris and blasters and sinkers, and workmen engaged in repairing the shaft to ride therein, provided all available precautions are taken.

69. After any stoppage of winding for repairs or for any other purpose exceeding two hours' duration, the cage or other conveyance must be run a complete trip up and down the working portion of the shaft before any person is allowed to ride therein.

70. Where winding of persons in accordance with the foregoing rules is permitted, the following rules must be strictly observed:—

(*a*) One, or more than one, competent person, specially deputed by the Superintendent for the purpose, and whose name or names must be registered by him in a record book, termed the Machinery Record Book, shall carefully examine—

(1) every winding rope newly put on and its attachments to the drum and cage or other conveyance, and the same shall be used for the transport of persons

only after the conveyance, loaded to the full authorized extent, has been run two complete trips up and down the working portions of the shaft;

(2) at least once a week, the guides and the winding compartments generally the signalling arrangements, and the external parts of the winding engine;

(3) at least once a year, the winding engine as to the working condition of the internal parts;

(4) at least once a month, the structure of the rope for the purpose of discovering the amount of deterioration of same. For the purpose of this examination, the rope must be thoroughly cleaned at selected places.

A true report of the result of every examination above mentioned shall be recorded without delay in the Machinery Record Book which must be kept at the mine specially for the purpose, and shall be signed by the person who made the inspection. Should, as the result of such examination, any weakness or defect be discovered by which life or limb may be endangered, the defect shall immediately be reported to the Superintendent, and remedied; and no person shall be lowered or raised until the defect is made good.

(*b*) Winding ropes shall not be used for raising and lowering persons when, owing to deterioration or from any other cause, the breaking stress has become reduced to below six times the maximum working load.

(*c*) So soon as a rope becomes defective, it shall no longer be used for the transport of persons, unless the damaged part be at the end, and be cut off.

(*d*) A rope out of which any defective portion has been cut and the ends again spliced, and ropes which have been previously in use in places beyond the Superintendent's control, shall not be used to raise or lower persons.

(*e*) At every mine, at least one spare rope, suitable for use in any shaft in which persons are raised and lowered, shall be kept in reserve.

(*f*) A single linked chain shall not be used for raising or lowering persons or for attaching the rope to the skip or cage, except with the sanction in writing of an Inspector of Mines.

X. Signals.

71. At all winding shafts, exceeding one hundred feet in depth, arrangements must be provided for transmitting distinct and definite signals from the various levels in use and the shaft top, and between the shaft top and the engine driver. Where persons are raised and lowered arrangements shall also be made for return signals.

72. The engine-driver shall not set the engine in motion without having received a definite signal to do so. Neither the engine-driver nor banksman shall act on any signal of the correctness of which he has any doubt, unless he believes it may possibly be the signal to stop.

73. The banksman shall not permit the cage, skip or bucket to be moved from any landing or filling place in the shaft unless he has received a signal from that place, and if persons are to be raised or lowered, has returned the same.

74. Only persons specially authorized by the Superintendent for the purpose are allowed to give signals.

75. The following signals must be uniformly adopted in all mines:—

"One"—meaning to stop.
"Two"—meaning to lower.
"Three"—meaning to raise.

Additional signals shall be sanctioned by the Superintendent, and must not interfere with the above code.

76. Notices explaining the meaning of all permanent signals must be kept posted up in the engine room, at the shaft top and at all signal stations below-ground.

XI. Ladder Ways.

77. In shafts having an inclination of more than 65° with the horizontal, platforms or sollars must be provided at intervals not exceeding 35 feet. The manhole in any sollar shall be placed behind the ladder leading up from such sollar whenever the inclination of the shaft exceeds 70° with the horizontal.

78. In shafts having an inclination exceeding 45°, but not exceeding 65°, with the horizontal, the sollars shall be placed at intervals of not more than 55 feet, measured along the underlie of the shaft.

79. No ladder shall have a steeper inclination than 80° with the horizontal, except under special circumstances and with the consent in writing of an Inspector of Mines. This consent shall not be necessary for the lowest 30 feet of a sinking shaft.

80. Ladders must be securely fixed to the timbering of the shaft, and maintained in proper repair. Except at sollars or resting places, ladders must be made continuous or without perceptible overlapping or break.

81. Ladders must project at least three feet above the shaft top and above every sollar or landing place in shafts, and other travelling ways or strong holdfasts must be provided at all such places in convenient positions.

82. Travelling on foot in any shafts or shaft compartments except those specially provided and equipped for this purpose is strictly prohibited, except for purposes of inspection or repair.

83. In shafts having an inclination steeper than 45°, any compartment which is used as a foot travelling way shall be closely fenced off from the other compartments. In shafts less steeply inclined than the above, the ladder way shall be sufficiently railed off to prevent persons inadvertently entering the adjoining compartments.

84. Carrying tools or other loose materials up or down a ladder way having an inclination steeper than 45° is prohibited except when absolutely necessary. When tools are carried in a ladder way they must be secured in a sling to the person carrying them.

XII. Ventilation, Lighting, etc.

85. Sufficient ventilation must be provided to render all working places and travelling roads in a mine, under ordinary circumstances, fit for working in, and as far as possible free from fumes, smoke, dust or noxious gases.

86. A working place shall not be deemed to be fit for working in if a candle will not burn erect when shielded from a draught.

87. All doors which are required to be kept shut for purposes of ventilation shall be made self-closing.

88. All holes drilled in dry ground must, as far as practicable, be kept moist to prevent the atmosphere being charged with dust.

89. Unauthorized entrance into abandoned or disused workings is prohibited and should, as far as possible, be prevented by boarding or otherwise. Underground works (especially shafts, sumps, winzes and rises) which have been unused for some time shall, before work is started, be examined with a light, and if the air is foul, no work shall be permitted there until the foulness has been removed.

90. Stationary lights shall be provided at all stations and other places in shafts which are for the time being in use, also in all places where pumps or other machinery or appliances are in motion, unless the same are fenced off so as to render it impossible for any one to come in contact with them inadvertently; and at night at all working places on surface.

91. Moving about without a light in any unilluminated part of the mine is prohibited.

92. The Superintendent shall make all necessary sanitary arrangements as shall be approved by the Medical Officer, and shall appoint some person or persons who shall be responsible that all surface and underground workings and spaces are constantly kept sanitarily clean. A supply of pure drinking water shall be provided underground at suitable and convenient places.

XIII. Explosives.

93. No explosives shall be stored in or about a mine except in accordance with the provision of the Mysore Explosives Regulation and Rules, or as provided for in Rules 94 to 105 hereunder.

94. A daily supply magazine may be placed in the neighbourhood of each shaft for the daily requirements of the mine. The position and construction of every such magazine shall be approved of by an Inspector of Mines, who shall determine the maximum amount of explosives—not exceeding 300 lbs.—to be stored therein. Blasting powder shall not be stored with high explosives, but must be kept in a separate compartment having a separate entrance. Detonators shall not be stored in a compartment with any other explosives.

95. The storage of explosives underground is prohibited, except in the following cases:—

(*a*) A small amount of explosives may be kept in boxes for unforeseen contingencies; each box must be securely made and kept locked, and may not contain except in cases coming under (*b*), more than half a pound of cartridges, six detonators and three yards of fuse. The detonators must be in a distinct compartment of the box, separated by a strong partition from the rest. No box shall be so placed that there is any risk of its being exploded or ignited by the explosion or ignition of any other box, or otherwise.

(*b*) When all the charges fired in a single shift are not fired at the same time, the explosives for the uncharged holes may be kept in the meantime at a safe distance. They must be placed in charge of some person responsible for them, where there is no risk of their being exploded or ignited.

(*c*) A magazine may in special cases be provided underground for storing the daily requirements of a mine or part of a mine in blasting materials, provided that the quantity of explosives of all kinds stored in such magazine shall not exceed an amount to be fixed by an Inspector of Mines, and provided that the magazine shall be placed at a sufficient distance from any portion of the mine in which work is going on or which is used as a thoroughfare, as will in the opinion of an Inspector of Mines prevent the risk of injury to any person from the explosion of the maximum amount of explosives allowed in the magazine, or from the fumes of the gases resulting from the combustion of such maximum amount, and provided that every precaution is adopted which an Inspector of Mines may require to be taken to prevent the explosion or ignition of such explosives and the injury to any person thereby. Detonators shall not be stored in a compartment containing or immediately adjoining one containing other explosives.

96. Explosives must be in their ordinary manufactured form and of good quality and as far as can be practically known in good condition when distributed for use. Only one kind of detonator shall, except with the permission of an Inspector of Mines, be used in the same mine. It shall be of sufficient power for every kind of explosive used.

97. No working place must be supplied with a greater quantity of explosive material than will probably suffice for the requirements of the shift.

98. A book must be kept to record the quantity of explosive material supplied to each contractor or blaster.

99. Explosives issued from the magazine shall be taken directly to the working place, and any unused explosives must be returned to the magazine near the shaft without any delay. Any one finding any explosive must take it at once to the nearest magazine.

100. The removal of explosives to any place not authorized by these rules, and the sale or purchase of explosives in the mine are strictly prohibited.

101. Explosives including fuse, when issued from the magazine, must be carried at all times in secure cases or canisters, and no case or canister may contain more than fifteen pounds of explosives.

102. Detonators must not be carried in the same case or canister with other explosives.

103. Explosives shall not be sent down in a bucket, skip or cage, unless there is a distinguishing mark attached to the bucket, skip or cage, or they are accom-

panied by some one who is responsible for them. If taken down by ladder, each case or canister must be securely fastened to the person carrying it.

104. All explosive material must be distributed, whether above or below ground, only by the person or persons appointed for that purpose by the Superintendent.

105. No fuse or explosives are allowed to be taken into the mine other than the brands specially authorized by the Superintendent.

XIV. Blasting.

106. All blasting operations shall be conducted by a blaster holding a blaster's certificate under Rule 15. In cases of emergency, a person who does not hold a blaster's certificate may be authorized to conduct blasting operations by the Superintendent or an Underground Agent who shall be responsible that such person is competent.

107. The blaster shall himself prepare the fuze, detonator and primer for use and shall charge every hole, but he may be assisted otherwise in the preparations of charges and in firing the shots by one or more competent assistants.

108. During the preparation of charges and the charging of holes, all lights must be kept at a safe distance, and smoking shall be strictly prohibited while explosives are being handled.

109. Every blaster must carry a knife in order to be able to cut a burning fuze, if necessary, and also a pair of pliers for crimping the detonator on to the fuze.

110. The fuze with its attached detonator shall, after being inserted in the primer cartridge, be securely fastened thereto by string or other suitable material so that it cannot be easily withdrawn from the cartridge. The fuze and detonator shall not be inserted in the primer until it is required for immediate use.

111. In charging or stemming holes the use of any iron or steel tool, scraper or rod is prohibited, and no explosive shall be forcibly pressed into a hole of insufficient size.

112. A wad of paper about one inch thick must be inserted immediately on top of the primer and below the tamping which shall be at least six inches deep. Only sand loosely filled in or soft clay lightly pressed home or water shall be used as tamping for any explosive requiring the use of a detonator.

113. Not more than eight holes, unless the fuzes are ignited by more than one person, in which case the number may be increased to twelve holes, shall be fired in one round in any drive, stope, end or shaft, or unless the charges are fired electrically, or unless the special permission of an Inspector of Mines has been obtained. No holes shall be charged except those which are to be fired in the next round, and all those which have been charged shall be fired in one round.

114. Blasting gelatine or other high explosive shall not be lighted in order to set fire to fuzes, but a small portion of such explosive may be attached to the end of a fuze to assist it to ignite.

115. Before any shots are fired, due warning shall be given in every direction by shouting the fire signal, and all approaches to the place where the shots are being fired shall be guarded. The blaster shall be responsible that no person is allowed to remain in, or to come into, dangerous proximity to the shots.

116. Whenever any working place approaches another so closely that any further blasting will reduce the intervening rock to a thickness of six feet or less, such further blasting must be conducted from one working place only at any one time. The Underground Agent in charge shall be responsible that the working parties are duly warned of the near approach of the two places, and the blaster in charge of the operations in the one place shall take steps to ensure that no person remains in the other place while shots are being fired.

117. The number of shots which explode must be counted by at least two persons, one of whom shall be the blaster. Unless both are certain that all the charges have exploded, the working place must not be re-entered for at least thirty minutes after the first explosion.

118. If all the charges have exploded properly or if they have been fired electrically, the working place may be re-entered as soon as it is sufficiently clear of fumes : provided that in the case of electric firing the source of electricity shall have first been disconnected.

119. After blasting has taken place, the blaster, or person in charge of the working place shall be the first to re-enter the place, and until he has pronounced it to be safe and sufficiently free from fumes he shall not permit any other person to enter except for the purpose of making it safe.

120. In clearing the stuff broken by the blast, loose unexploded cartridges, detonators, etc., must be carefully looked for and, if found, removed at once by the blaster or mestri in charge to a safe place.

121. Before drilling is commenced all loose rock must be removed from the working faces, and if any sockets or portions of holes which have not broken are found, they shall be securely plugged with wooden plugs, of which a supply shall be provided.

122. In the event of a mis-fire (or charge failing to explode properly) having occurred or being suspected, the blaster himself must be the first to re-enter the working place. He shall search for the mis-fire and, if necessary, may have the place cleaned up for this purpose; but he shall permit no other work.

123. As soon as the mis-fire has been found the blaster shall refire it without delay, for which purpose he shall insert a fresh primer with detonator and fuze in the hole. If necessary, the tamping may be gently removed with a wooden or copper scraper; but not the paper wad.

124. If the mis-fire cannot be found or reblasted, the blaster shall, before leaving the mine, inform the mestri in charge, of the next shift, and also an Underground Agent, Foreman or Timberman who shall then be considered to be in charge of the working place. The blaster shall, before leaving the mine, cause a report of every mis-fire to be entered in a book kept for the purpose at the shaft top. Unless the mestri is present at the working place, the blaster shall, before leaving, post a man to prevent access thereto, and warn persons of the existence of the mis-fire.

125. The mestri in charge of the next shift may have the place cleaned up and made secure, but no drilling shall be permitted until the mis-fire has been reblasted, or until the place has been inspected by an Underground Agent, Foreman or Timberman and instructions obtained from him as to the course to be followed. The Agent, Foreman or Timberman shall take steps to ensure that his instructions are properly carried out, and both he and the mestri shall be held responsible for this being done.

126. No portion of a charge shall be withdrawn from a hole either before or after blasting. The deepening of or tampering with holes or portions of holes, in which explosives have once been charged, is strictly prohibited.

127. The person in charge of the working place shall point out the position and direction of every new hole to be drilled, and shall be responsible that the drillers do not deviate therefrom. The greatest care shall be taken that no new hole shall be bored in such a direction that it can come in dangerous proximity to any old hole or socket in which explosives have previously been charged.

XV. Machinery.

128. All steam-boilers, compressed air-receivers and driving-gear must be in the personal charge of competent men appointed by the Chief Engineer. Every steam-boiler and air-receiver shall have attached to it a proper safety-valve and steam gauge and water-gauge or air-gauge, and shall be inspected by an Engineer once a week at least.

129. (*a*) Before a boiler or air-receiver is cased in or put in commission, it shall be subjected to hydraulic test by the Chief Engineer or a competent person appointed by him. The test shall be repeated after any important renewals or repairs, and in any case at least once in every twelve months in the case of a boiler, and once in three years in the case of an air-receiver. A record of every such test shall be entered in books kept for the purpose.

(*b*) In the case of an air-receiver the hydraulic pressure shall be 1½ times the maximum working pressure permitted.

(*c*) In the case of a boiler the hydraulic pressure shall be twice the maximum working pressure allowed when the latter does not exceed 75 lbs. per square inch, and at least 75 lbs. per square inch above the maximum working pressure in other cases.

(*d*) The working pressure shall be measured as the pressure in excess of that due to the atmosphere.

130. A notice shall be posted in every engine-house specifying the highest pressure to which the steam or air in every boiler or receiver, in or adjoining such engine-house may be raised, and the minimum height of water allowable in each boiler shall be clearly marked on the water gauge and on the boiler shell.

131. The weight of every safety-valve shall be fixed on the lever so that it cannot be inadvertently shifted so as to increase the pressure.

132. Every boiler shall be cleaned out and examined internally at least once in every twelve months, and a record shall be kept at the office of the mine of the condition at the time of every such cleaning.

133. All exposed parts of machinery, which are dangerous when in motion, must be railed or partitioned off in such a manner that no accident can occur except through carelessness.

134. Every person in charge of any boiler, engine or other appliance, apparatus or machine shall see that it is in proper condition before commencing work, and if there is any defect shall remedy the same or report it to a Chief or Assistant Engineer; he must see that boilers are kept properly supplied with water, that no extra weights of any kind are added to the safety-valves of boilers and receivers, and that the allowed pressure of steam or air is not exceeded. If anything occurs to prevent a boiler being adequately supplied with water, he shall damp or draw the fire without delay, and in case of any dangerous defect shall stop work until it is remedied.

135. Engine-drivers and firemen are not allowed to work longer than the ordinary shift prescribed at a mine, unless it is absolutely necessary. If the driver or fireman of a winding engine shall work longer than the prescribed shift, an entry of the fact must be made in a book kept for the purpose. During his shift an engine-driver or fireman shall not leave his post except when absolutely necessary, nor without leaving some person in charge. He shall not allow any one else to handle the engine unless with the order or permission of the Chief, or an Assistant, Engineer, or in case of emergency.

136. In the case of an engine-driver of a winding engine in which persons are raised or lowered, the shift shall not exceed eight hours in twenty-four, and in the case of an engine-driver of any other winding engine, shall not exceed ten hours, except in the case of small mines not exceeding 400 feet deep, or with the permission of an Inspector of Mines.

137. The repairing, adjusting, cleaning or lubricating of machinery in motion shall not be permitted when there is a risk of personal injury.

138. Shipping and unshipping driving belts while the machinery is in motion is prohibited, unless a satisfactory mechanical appliance is provided for the purpose. This shall not apply to the customary shifting of light belts on the coned pulleys of machine tools.

XVI. Electrical Plant and Fittings.

139. All Electrical Apparatus and Conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered or safeguarded, and so installed, worked and maintained as to reduce the danger through accidental shock or fire to a minimum; and shall be of such construction and so worked that the rise in temperature, caused by ordinary working, will not injure the insulating materials.

140. All metallic covers, armouring of cables, other than trailing cables, and the frames and bed-plates of Transformers and motors, other than portable motors, shall, as far as is reasonably practicable, be efficiently earthed when the pressure at the terminals, where the electricity is used, exceeds 250 volts.

141. Main and distribution switch and fuse boards must be made of incombustible insulating materials, and be fixed in as dry a situation as practicable.

142. Every sub-circuit must be protected in one of the three following alternative methods:—

(*a*) By an automatic maximum cut-out on each pole;

(*b*) By a detachable fuse on each pole, constructed in such a manner that it can be removed from a live circuit with the minimum risk of shock;

(*c*) By a switch and fuse on each pole.

143. Fire buckets, filled with clean, dry sand, shall be kept in electrical machine rooms, ready for immediate use in extinguishing fires.

144. Gloves and mats or shoes of India rubber, or other non-conducting material, shall be supplied and used where the live parts of switches or machines, working at any pressure above 250 volts, have to be handled for the purpose of adjustment.

145. No person shall wilfully damage, interfere with, or without proper authority remove or render useless, any electric line, or any machine, apparatus or part thereof, used in connection with the supply or use of electricity.

146. Where a Generating Station, under the control of the Mining Company on whose property it is situated, is not within 400 yards of any shaft down which the current is led, an efficiently enclosed locked switch box or a switch-house shall be provided near the pit-mouth, for the cutting off the supply of electricity to the underground portions of the Mine.

147. Every transmission line, carried overhead, on the surface, must be efficiently supported upon insulators, and clear of traffic, and provided with efficient lightning arrestors.

148. All terminals and live metal on machines or switchboards working at a pressure exceeding 250 volts underground, or 600 volts on surface shall, where practicable, be protected with insulating covers, or metal covers connected to earth, when situated in any position in which it is easily possible for a person to come in contact with them.

149. No unauthorized person shall enter a motor room, or interfere with the working of any motor or apparatus connected therewith. Suitable screens, guards or partitions of non-inflammable material shall be fixed so as to prevent the space at the back of transformers and high tension switchboards being used as passage ways.

150. Unless fixed, as far as is reasonably practicable, out of reach of injury, all conductors, other than armoured cables, must further be protected by a suitable covering. Where lead-covered cable is used, the lead shall be earthed and electrically continuous throughout.

Where main or other roads are being repaired or blasting is being carried out, suitable temporary protection must be used, so that the cables are reasonably protected from damage.

151. The fixing with metallic fastenings of cables and wires, which are not provided with metallic coverings, to walls or timbers, is prohibited.

152. Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs. Fuses shall be adjusted or replaced only by an authorized person.

153. All live parts of switches, fuses and cut-outs, not in machine rooms or compartments specially arranged for the purpose, must be covered.

154. Where unarmoured cables or wires pass through metal frames or into boxes, transformers or motor casings, the holes must be substantially bushed with insulating bushes.

155. In all machine rooms and other places underground, where a failure of electric light is likely to cause danger, lamps or other proper lights shall be kept for use in the event of such failure.

156. Instructions shall be posted up in one or more suitable places on every mine, containing directions as to the restoration of persons suffering from electric shock.

157. All proper precautions must be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

158. Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use before the coming into force of these rules, may be continued in use unless an Inspector of Mines shall otherwise direct, or subject to any conditions affecting safety that he may prescribe.

159. Under special circumstances or in case of emergency, an Inspector of Mines shall have power to grant exemption from the requirements of any of the rules in this section upon such conditions as he may consider desirable or necessary.

XVII. Accidents, Ambulance, etc.

160. Whenever an accident occurs at a mine which results in the death of, or serious injury to, any person, the Superintendent shall at once send notice thereof in writing to an Inspector of Mines, stating fully all particulars regarding such accident, in accordance with the form in the schedule to these rules. The notice shall be accompanied or followed by a certificate from the Medical Officer regarding the nature of injury or cause of death. Where practicable, a brief notice of the accident shall also be sent by telegraph or telephone.

161. By serious injury is meant an injury which results, or is likely to result, in total or partial loss of, or permanent damage to, any limb or organ, fracture of any of the larger bones (including the bones of the skull), dislocation of the hip or knee, great loss of blood, internal bleeding or prolonged unconsciousness, or which may be declared to be serious by the Medical Officer.

162. If death results from the effects of an accident, whether such death occurs at the time of the accident or subsequently, the Superintendent shall send notice of the same forthwith to the nearest Magistrate or Police Officer as well as to the Inspector of Mines.

163. The place where an accident involving the death of, or serious injury to, any person has occurred shall be left untouched after removal of the injured person or persons until it has been examined by an Inspector of Mines or until the expiry of forty-eight hours, unless the stoppage of work at that place would seriously impede the work of the rest of the mine, or unless the consent of the Inspector of Mines to the resumption of work has been obtained.

In the event of the Inspector of Mines being unable to proceed to the scene of the accident himself or to send a qualified deputy, he shall, if he considers an enquiry to be necessary, inform the nearest Magistrate, who shall thereupon cause an investigation to be made on the spot into the cause of the accident. A copy of the evidence taken at such investigation shall be forwarded to the Inspector of Mines.

164. In every case in which death has resulted from an accident, and in all cases resulting in serious personal injury, in which any wilful or negligent breach of these rules has been disclosed, the Inspector of Mines shall furnish a report of his investigation to the nearest resident Magistrate, who shall thereupon make such further investigation or take such action as he may consider necessary. The Magistrate shall inform the Inspector of Mines of the date of such further investigation or action, and the latter shall be at liberty to appear and examine any witness.

165. Whether personal injury is caused or not, every accident occurring under the following classification shall be reported without delay to the Inspector of Mines:—

(1) Engine running out of control;
(2) Fracture of any essential part of winding engine, crank shaft, couplings, bearings, gearings, clutch, drums, or drum shaft;
(3) Fracture of winding rope or of its attachment to skip, cage, or drum;
(4) Fracture of pit-head sheave or axle or bearings of same;
(5) Failure of efficiency of brake;
(6) Failure of safety catch to act when required;
(7) Failure of device for prevention of overwinding or of detaching hook to act when required;
(8) Overwinding of cage or skip;
(9) Bursting of anything containing steam, compressed air or other substance at high pressure;

and a record shall be kept at every mine of all cases of jamming or derailment of skip and cages.

166. The proprietor shall see that the following medical provision is made for persons employed in mining operations : —

(1) If the number of persons so employed exceeds 1,500, one qualified Medical Officer residing within three miles ;

(2) If the number of persons so employed exceeds 250 and does not exceed 1,500, one qualified Medical Officer residing within ten miles, and if the Medical Officer does not reside within three miles, then in addition one trained Hospital Assistant within three miles.

(3) If the number of persons so employed exceeds 50 but does not exceed 250, then one trained Hospital Assistant within five miles.

These distances will be measured from any part of the mine where more than 50 persons are employed.

167. If any Medical Officer who is not employed by the Proprietor shall attend on any person employed in mining operations, the Proprietor shall pay such amount for his services as the Senior Surgeon in Mysore shall direct.

168. In order to render immediate assistance in cases of injuries such as broken bones, wounds, bleeding, contusion, scalding and suffocation, there must be ready at hand at every mine all such necessary articles and medicines as the Medical Officer shall direct, and also an ambulance for the removal of injured persons ; and so far as possible every person in charge of any work below ground shall be acquainted with the means of giving first aid to persons injured.

169. Every workman receiving any personal injury in any mining operations shall, before leaving the mine, report the same to one of the Mining Officers or the watchman at the top of a shaft or to his immediate superior; and any person to whom such report is made shall, as soon as possible, communicate the same to the Superintendent.

XVIII. Mine Plans.

170. A general plan, made by a competent surveyor, of the land, which is in the possession of the Mining Proprietor for mining purposes or over which he holds any mining rights, to a distance of 600 feet from any point where mining operations are or have been carried on, but not beyond the limits of such land, must be kept at the mine, and be made up at least every four months.

171. The general plan must show the Government survey marks (if any), the boundaries of the land, the outcrops, as well as the actual strike and dip of the reefs or other mineral deposits so far as known, all open surface workings, shaft openings, bore-holes, water-furrows, reservoirs, tailings-sites, public roads and railways and the principal buildings and sites of mining and metallurgical plant. It must also show the geographical meridian.

172. Besides the general plan referred to above, the Superintendent must keep in the office of the mine an underground working plan and section or sections showing clearly all the workings surveyed up to within four months from date.

173. The underground plans and sections must in particular show clearly all shafts, bore-holes, drives, crosscuts, winzes, rises, excavations (stoped ground) and any tunnels and passages connected therewith, and the position of all permanent winding gear, pumps, ventilating fans, brattices and doors for regulating ventilation, and all underground bench marks, and stations of the underground survey, and in addition thereto the vertical depth of bore-holes, the depth at which the mineral deposits have been intersected, the general strike of the reefs or mineral deposits, with their dips at different points, and the dislocations of the strata.

174. All underground plans must be on the scale of 30 or 60 feet to one inch.

175. All bench marks or stations of the underground surveys must be properly marked with holes and plugs, and care taken to preserve them in view of subsequent surveys.

176. The plottings of every survey must be made from a line or lines representing on the plan the true geographical meridian.

177. In case of a mine or any considerable part of it being intentionally abandoned, the general and underground plans and underground sections must first be completed up to date, and the same or exact copies thereof must be sent to the Chief Inspector of Mines within two months of such abandonment.

178. All underground workings must, when it is possible, first be surveyed before being allowed to become inaccessible.

179. Any Proprietor, Agent or Superintendent or other person engaged in mining operations, who wilfully withholds any portion of a mine plan, or conceals any part of the workings, or knowingly allows the mine plans to be incorrect, shall be guilty of a breach of these rules.

180. A true copy, on mounted paper or tracing cloth, of the general plan and of every underground plan or section, referred to in Rules 170 and 172, shall be deposited with the Chief Inspector of Mines, and the said copies shall be brought up to date once every year by the Superintendent.

For this purpose the said copies may be obtained by the Superintendent from the Chief Inspector of Mines any time subsequent to the 31st of December, and shall be returned to the Chief Inspector of Mines not later than the 1st of June following.

XIX. Government Returns and Inspections.

181. The Superintendent of a Mine shall furnish to the Chief Inspector of Mines a statement showing the quantities of ore obtained and treated, and the quantity of metal or other finished products obtained, and other returns and statistics in such form and at such time as may be prescribed by the Government.

182. Where any working is commenced for the purpose of opening a mine, or where the working of a mine is temporarily or permanently discontinued or abandoned, or where the working of a mine is recommenced after any such discontinuance or abandonment, the Proprietor or his Agent or Superintendent shall immediately give written notice thereof to the Chief Inspector of Mines.

183. The Proprietor or his Agent or Superintendent shall, without delay, furnish the Chief Inspector of Mines with the following information :—

(1) Name of Mine,
(2) Name and address of Proprietor,
(3) Name and address of Agent or Superintendent;

and shall likewise give notice of any change in their names or addresses within three days of such change.

184. In case of the abandonment of a mine, the Proprietor, at the time of such abandonment, shall continue to be responsible for the carrying out of the rules regarding the protection of the surface under Section III, the furnishing of plans under Section XVIII, and the sending in of returns under Section XIX, until such rules have been complied with.

Upon the Chief Inspector of Mines being satisfied that such rules have been duly complied with, he shall issue a certificate to that effect, and the Proprietor shall thereupon be relieved from all further responsibilities.

185. An Inspector of Mines or his authorized representative shall at all reasonable times have access to the plans and sections in order to examine and inspect them, take copies thereof, and make extracts therefrom; and shall be entitled to enter upon any part of the mine above or below ground, and inspect and examine the state and condition thereof, and of the mines and buildings and mining and metallurgical plant therein or thereon, and the mode in which operations are carried on, and hold enquiries as to accidents; but so far as possible in such a manner as not to impede or obstruct the working of the mine, and the Proprietor, Agent and Superintendent shall, with proper persons employed in the mine and acquainted with mining and metallurgical operations and with the engines, machinery and apparatus and other mining and metallurgical plant upon or within the mine effectually assist in the conduct of every such inspection or examination, affording all information required therefor, and producing any books or records required to be maintained under these rules.

186. Notice shall be given to the Chief Inspector of Mines if any working approaches within a horizontal distance of a railway equal to twice its depth below the surface, or to 500 feet, whichever is less.

187. If any mine is worked in a manner which, though not expressly forbidden by the provisions of these rules, is nevertheless dangerous, an Inspector of Mines may require the matter to be remedied, and the representative of such mine shall comply with such requisition, or else submit the matter to arbitration.

188. An Inspector of Mines is also entitled to take, or cause to be taken, such samples of ore, quartz or other minerals from any reefs, beds or deposits or from any intermediate or final products extracted, obtained or produced in the course of any mining operations, as he in the execution of his duty may think fit, but if they be of more than two pounds weight, or contain more than five grains of gold, or be taken more than once in three months, the Government shall pay for the same at a fair valuation.

189. Every person who wilfully obstructs an Inspector of Mines in the execution of his duty, and every Mining Proprietor, Agent or Superintendent, who refuses or neglects to furnish to an Inspector of Mines the means necessary for making any entry, inspection or enquiry, under the Mysore Mines Regulation, 1906, or these rules, shall be deemed to commit a breach of these rules.

190. An order by an Inspector of Mines suspending or postponing the operation of any of these rules or giving any permission under these rules shall not be valid unless it is in writing. Any such order may be subsequently revoked by an Inspector of Mines.

191. The Superintendent, or in his absence the highest Mining Officer who may be present, shall, upon application by any local Magistrate or Police Officer not below the rank of Chief Constable, whose duties require him to visit the mine, give him every facility for the purpose.

XX. Bribery and other undue influences.

192. Any person who shall render any service, or use any threat to any other person, with the view of preventing any workman, contractor, foreman, Mining Officer, Government servant, or other person engaged or expecting to be engaged in mining operations or in work connected with the Government inspection of mines from exactly complying with these rules, or from performing duly, honestly and without favour to any person or persons the duty he is employed to perform, or shall attempt or agree to render any such service, or use any such threat, or shall accept or attempt or agree to accept any such service, or shall on receiving any such threat fail to at once inform a Mining Officer thereof, shall be guilty of a breach of these rules.

193. Any workman, contractor, foreman, Mining Officer, Government servant or other person engaged or expecting to be engaged in mining operations, or in work connected with the Government inspection of mines, who shall accept any service from any person or persons who is concerned or is likely to be concerned in any operation, proceeding or business transacted or likely to be transacted by the person accepting such service, or having any other connection with the duties he or any person to whom he is subordinate, or likely to be subordinate, is employed to perform, or from any person who is interested in, or related to, the person so concerned or likely to be concerned, shall also be guilty of the breach of these rules.

194. For the purpose of these rules a service shall be considered to include the payment of any sum, the gift or sale without adequate consideration of any thing, and every other favour or gratification of any description, whether estimable in money or not; but not recognised and legitimate remuneration for mining work.

XXI. General Rules.

195. The working of the mine shall be under the general control and responsibility of the Superintendent.

196. The Superintendent or other Mining Officer acting under his instructions, shall, at least once in three days, while the men are at work, visit and examine

every working place in the mine and all machinery and other mining operations of every description below ground or on the surface, and shall see that safety in every respect is ensured.

197. Except under the provisions of these rules, no person shall enter a mine who has not previously obtained the consent of the Superintendent or his representative.

198. No person shall be allowed to enter a mine in an intoxicated condition, or if known to be subject to any complaint which might place his life in danger.

199. Unauthorized entrance into any shaft or other working or into any shed or enclosure or into any place where machinery or boilers or receivers are erected, or other mining operations are carried on, is prohibited, and notices to this effect must be posted up at all entrances.

200. No workman shall, except in cases of emergency, go to any part of the mine, except where it is necessary for him to go in the course of, or when coming to, or from, his work.

201. For the purpose of making these rules known to all persons in and about the mine, printed copies thereof must be posted in conspicuous places at the mine where they can be conveniently read, and every person employed in or about the mine is enjoined to thoroughly acquaint himself with them so far as they affect his duties.

202. All rules and notices shall be printed or written in such languages as an Inspector of Mines shall direct, and must be posted up in a position where they can be easily seen by persons frequenting the place.

203. All rules and notices posted in or about the mine must be authorized by the Superintendent.

204. Any person pulling down or otherwise defacing any rules or notice, when posted up, is liable to punishment.

205. In all cases where any person is required by these rules to make any report he shall sign his name to it. If he is unable to write, he shall be present when his report is written, and shall have it read over to him and shall attach his mark to such report in token of this having been done. The name of the person writing the report shall also be entered at the end of the report, together with a statement of its having been read over to the person on whose behalf it is written.

206. All persons are enjoined to thoroughly acquaint themselves with and carry out the sanitary arrangements in the mine which may from time to time be made by the Superintendent with the approval of the Medical Officer. Any person who does not conform to these arrangements shall be deemed to commit a breach of these rules.

207. Where the duties of more than one post are entrusted to the same person, that person shall be bound by, and observe, the rules attached to each such post.

208. No person shall depute any one to do his work without the sanction of his immediate superior.

209. No person shall wilfully damage, or without proper authority remove, or render useless any fence, fencing, manhole, place of refuge, casing, guide, signal or means of signalling, chain, flange, horn, brake, indicator, steam-gauge, watergauge, safety valve or other appliance or thing, which has been provided for the purpose of carrying out these rules, or for the safety of the workmen or otherwise for the purpose of properly carrying on mining operations, or which may be obtained or produced in the course of mining operations; nor is any one permitted to alter, remove, or in any way render useless any arrangement in the mine provided for the above purposes, without the consent of the Superintendent.

210. If any person employed in a mine shall, by any act or omission wilfully or negligently do anything which may allow or facilitate injury to, loss, destruction or theft of any property employed in or produced in the course of mining operations, he will be deemed to commit a breach of these rules.

211. Any person employed in or about the mine who shall, by any act of omission, wilfully or negligently do anything likely to endanger life, or shall

wilfully or in a careless or thoughtless manner expose himself to danger, will be deemed to be guilty of a breach of these rules.

212. Every person who shall forge or falsify a certificate granted under these rules, or use a certificate falsely purporting to be granted under these rules, or use a certificate granted under these rules as his own which was granted to another person, or shall sell or dispose of a certificate granted or falsely purporting to be granted under these rules, shall be guilty of a breach of these rules.

213. Fines and deductions from wages, other than fines levied under the Mysore Mines Regulation, 1906, shall be levied and made only by a Mining Officer.

214. No person shall refuse or neglect to obey any orders issued with a view to the safety or the convenience or proper discipline of the mine, not being inconsistent with these rules, by any person under whose orders he is placed, nor shall he interfere with, impede or obstruct any person in the discharge of his duties, or interfere with or obstruct the working of the Mine.

215. All workmen shall strictly adhere to these rules, and to any directions issued by the Superintendent with a view to their safety or convenience or the proper discipline of the mine, not being inconsistent with these rules, contained in the notices posted in or about the mine for the guidance of the workmen.

216. Any person who may observe or be aware of any neglect or infringement of these rules shall report the case to his immediate superior or to the Superintendent or an Underground Agent or other Mining Officer, or (if the person reporting the same is a workman) to an Underground Foreman or Timberman, so that immediate means may be taken to rectify it and to prosecute the offender.

217. Any one who shall knowingly permit any person over whom he exercises authority to commit, or shall otherwise abet, a breach of these rules, or shall observe or be aware of a breach thereof, without reporting the same as aforesaid, shall himself be deemed to commit a breach thereof.

218. Every person employed in mining operations (other than the Proprietor, Agent or Superintendent) who is wilfully or negligently guilty of any act or omission which in the case of a Proprietor, Agent or Superintendent would be a breach of rules, shall be deemed to commit a breach of these Rules.

219. All workmen who neglect to observe any of the provisions of these rules, may be suspended or discharged and ordered out of the mine by the Superintendent or other Mining Officer.

220. No person shall be selected or allowed to perform or shall perform any duty in connection with any mining operations unless he is fully competent and qualified to carry out the work allotted to him.

221. The Proprietor, Agent and Superintendent shall provide for the safety and proper discipline of the men employed above and below ground, and appoint such persons as may be necessary for carrying out the provisions of these rules, and, in the case of any contravention of or non-compliance with these rules by any person whatsoever, the Proprietor, Agent and Superintendent shall each, unless he proves that he has taken all reasonable means, by publishing and to the best of his power enforcing these rules, to prevent such contravention or non-compliance, be deemed to have committed a breach of these rules. It shall be the duty of the Superintendent to prosecute any person employed on the mine who is guilty of a breach of these rules, except in cases which are so trivial that a prosecution is inadvisable.

222. If there is anything in the construction of any mine which at the time of the issue of these rules is not in accordance with these provisions, the Inspector of Mines shall have power to postpone the operation of these rules in such cases for such period as he shall think fit.

By Order,
E. W. WETHERELL,
Offg. Secy. to Govt., Geol. Dept.

(SCHEDULE.)

Year *Accident No.*

REPORT OF ACCIDENT (1).

Date of accident—
Class of accident (2)—
Number killed—
Number injured—
Name of mine—
Name of shaft—
Level (3)—
Locality (4)—
Time of accident (5)—

Persons killed—Names	Age	(6) Occupation	Hours worked before accident	Nature of injury causing death and date of death

Persons injured—Names	Age	(6) Occupation	Hours worked before accident	Nature of injury

How the accident happened—

Whether the work was being carried on by a contractor or by the Company (or mine-owners)—

Name of contractor and certificate No.—

Name and certificate No. of mestri or blaster, and if present—

Name of Foreman in charge of the safety of the part of the mine where the accident happened—

Name and title of Mining Officer in charge of that part of the mine—

Superintendent.

EXPLANATIONS.

(1) Every accident resulting in death or serious injury and every accident causing personal injury (whether serious or not) arising from an explosion of any kind, or from the fumes of an ignited explosive, or from the bursting of anything containing steam, compressed air or other substance at high pressure, must be reported.

An injury is to be considered as serious when it incapacitates the person injured from work for not less than seven days.

(2) Insert numbers corresponding to the following classes :—

1. Falls in mine.—Falls of hanging-wall.
2. Falls in mine.—Falls of sides or roof.
3. Falls in mine.—Falls of ore from working places.
4. In and at shafts.—Overwinding.
5. In and at shafts.—Ropes and chains breaking.
6. In and at shafts.—Whilst ascending or descending by machinery.
7. In and at shafts.—Falling into shaft from surface.
8. In and at shafts.—Falling from part way down.
9. In and at shafts.—Things falling from surface.
10. In and at shafts.—Things falling from part way down.

(Winzes and rises are not to be considered shafts for the purpose of this report.)

11. In and at shafts.—Miscellaneous.
12. Miscellaneous below ground.—Suffocation by gases.
13. Miscellaneous below ground.—Explosion due to misfire.
14. Miscellaneous below ground.—By explosives (other than misfires).
15. Miscellaneous below ground.—Falls of persons or things in Rises, Winzes and Stopes.
16. Miscellaneous below ground.—On inclined and engine planes. (Where the inclination of a shaft to the horizontal is not more than 30°, it is to be considered an incline for the purpose of this report.)
17. Miscellaneous below ground.—By trams or tubs, but not on inclined and engine planes.
18. Miscellaneous below ground.—By machinery.
19. Miscellaneous below ground.—By other causes.
20. On surface.—By machinery.
21. On surface.—Boilers and steam pipes bursting, etc.
22. On surface.—On railways, tramways, or aerial ropeways belonging to mine.
23. On surface.—Miscellaneous.

(3) If on surface, say so. All accidents on the surface works of the Company must be reported.

(4) If in stope, state which stope, and whether underhand or back stope. Also in what part of the stope.

(5) The twenty-four hours should be used as in railway time-tables.

(6) If the person is a female, the fact should be noted in this column in addition to her occupation.

This report, after being filled in and signed by the Superintendent or other superior officer of the mine at the foot of page 2, should be folded and despatched forthwith.

By Order,

E. W. WETHERELL,

Offg. Secy. to Govt., Geological Dept.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 41.

BANGALORE, THURSDAY, OCTOBER 19, 1911.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. IX OF 1911.

(Received the assent of His Highness the Maharaja on the 27th day of September 1911.)

A Regulation to amend the Mysore Municipal Regulation, VII of 1906.

Whereas it is expedient to amend in certain respects the Mysore Municipal Regulation, VII of 1906; His Highness the Maharaja is pleased to enact as follows:—

Amendment of clause (*k*), sub-section (1), of Section 48.

1. In Section 48, sub-section (1), clause (*k*), after the words "providing for the exhibition of tables of octroi," the following words shall be inserted, namely:—"requiring a license to be obtained for the sale of any article liable to octroi and prescribing the conditions on or subject to which such license may be granted, refused, suspended or withdrawn."

Addition of a section after Section 77.

2. After Section 77, the following section shall be inserted, namely:—

Penalty for selling articles liable to octroi without a license or for being in possession of any such article on which octroi has not been paid.

"77 A. (1) Any person selling or keeping for sale without a license any article liable to octroi for the sale of which a license is required to be obtained, or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding ten times the octroi due on all the articles so sold or kept for sale, or possessed, or rupees one hundred whichever may be greater; and

(2) Any officer of the Municipal Council authorised by the Municipal Council in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Seizure of articles on which octroi duty has not been paid and arrest of persons in possession of such articles.

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Municipality within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such article not exceeding Rs. 200 in value kept by any person for the personal use of himself or any member of his family or sold by such person when not required for such use.

(3) The provisions of the Code of Criminal Procedure shall, so far as may be, apply to all searches and arrests effected under this section."

Searches and arrests to be governed by the provisions of the Criminal Procedure Code.

3. After Section 175, the following section shall be inserted, namely:—

Addition of a section after Section 175.

"175 A. The Government may, from time to time, make rules not inconsistent with this Regulation as to the preparation of plans and estimates for works which are to be partly or wholly constructed out of the Municipal Fund and the authority by whom, and the conditions subject to which, such plans and estimates for works may be sanctioned."

Government may frame rules as to the preparation, etc., of plans and estimates for works.

4. In Schedule 1, above the words "for every other vehicle with springs and every palanquin, bicycle or tricycle,.....Rs. 6" there shall be inserted the following, namely:—

Amendment of Schedule 1.

		Rs.
"For every motor car	...	... 30
For every motor cycle	...	... 15"

T. ANANDA ROW,
Dewan.

REGULATION No. X OF 1911.

(Received the assent of His Highness the Maharaja on the 27th day of September 1911.)

A Regulation to amend the Mysore Local Boards Regulation, II of 1902.

Whereas it is expedient to amend the Mysore Local Boards Regulation, II of 1902; His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. This Regulation may be called "The Mysore Local Boards Regulation Amendment Regulation, 1911."

Amendment of clauses (5) and (6) of Section 20.

2. In Section 20 of the Mysore Local Boards Regulation, II of 1902, there shall be inserted, (i) after clause (5), as clause (5) A, the words "tolls and fees leviable under Section 31 A (1) (*g*)," and (ii) in clause (6), the words "or for any of the purposes specified in Section 31 A (1) (*b*)" after the words "in a Union."

Addition of a new section.

3. After Section 31, the following section shall be added, *viz.*,—

Power of District Board to make bye-laws;

"31 A. (1) The District Board may, from time to time, with the previous sanction of Government and with reference to the varying circumstances of different areas subject to its authority, make, alter or rescind bye-laws, but not so as to render them inconsistent with this Regulation or with any other general or special law;

for markets, slaughter-houses, etc.;

(*a*) for the general or special regulation, inspection and control of musafirkhanas, markets, slaughterhouses, all places used by or for animals which are for sale or hire or the produce of which is sold, all places used for offensive or dangerous trade, cart-stands and burial and burning grounds as also for regulating the conduct of business therein and for fixing the rents and other charges to be levied for the use of any of them which belong to the District Board;

for licensing, regulating and inspecting certain business;

(*b*) requiring licenses to be taken and prescribing the conditions on or subject to which and the circumstances in which and the areas or localities in respect of which such licenses may be granted, refused, suspended or withdrawn for the use of any place not belonging to the District Board—

(i) as a slaughterhouse;
(ii) as a market or shop for the sale of animals intended for human food or of meat or of fish or as a market for the sale of fruit or vegetables;
(iii) as a cart-stand;
(iv) for any of the purposes mentioned hereunder:—
(1) for boiling or storing offal, blood, bones or rags,
(2) for salting, curing and storing fish,
(3) for storing hides, horns or skins,
(4) for tanning,
(5) for the manufacture of leather or leather goods,

(6) for dyeing,
(7) for melting tallow or sulphur,
(8) for washing or drying wool or hair,
(9) as a brick, pottery or limekiln,
(10) for soap making,
(11) for extracting oil by boiling,
(12) as a manufactory of sago,
(13) as a distillery,
(14) for storing hay, straw, fodder, wood, coal or other combustible material,
(15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells arise or which may involve risk of fire,

prescribing the fees payable in respect of such licenses and providing for the inspection and regulation of the conduct of business in any place used as aforesaid so as to secure cleanliness therein or to minimize any injurious, offensive or dangerous effect arising or likely to arise therefrom;

(*c*) directing that no place shall be used as a market or shop for the sale of animals, meat, fish, fruit or vegetables intended for human food or as a slaughterhouse or as a cart-stand or as a burial and burning ground or for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), excepting the public markets or slaughterhouses or cart-stands or burial and burning grounds constructed or opened or places set apart for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*), by the District Board, or such other markets or slaughterhouses or cart-stands or places for carrying out any of the purposes mentioned in sub-clause (iv) of clause (*b*) as may have been licensed in writing by the District Board; — for prohibiting use of other than public or licensed markets, slaughter-houses, etc.;

(*d*) providing for the inspection of hotels, bakeries, sweetmeat shops and other places for the sale of articles intended for human food or drink other than those mentioned in clause (*b*) and for securing the cleanliness of such places and the wholesomeness of the articles prepared, kept or sold therein; — for inspecting hotels, etc.;

(*e*) regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells; — for preventing nuisances in regard to water-supply;

(*f*) preventing nuisances affecting the public health, safety or convenience; — for preventing nuisance to public health;

(*g*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians, along or over any road except on payment of such fees or tolls and under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the roadway, number of — for controlling unwieldy traffic.

lights and assistants and other general precautions as may be prescribed, either generally or in special licenses to be granted in each case.

Any person infringing any bye-laws made under this Regulation shall be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

Infringement.

(2) The District Board shall, before making any bye-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed bye-law, together with a notice specifying a date on or after which the draft will be taken into consideration and shall, before making the bye-law, receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Publication of drafts of proposed bye-laws.

(3) When any bye-law made by the District Board is submitted to Government for sanction, a copy of the notice published as aforesaid and of every objection or suggestion so made, shall be submitted for the information of the Government along with the said bye-law.

Objections and suggestions to be submitted to Government.

(4) The Government may sanction any such bye-law with such modifications as it may think fit, and may at any time cancel or withdraw its sanction to any such bye-law and thereupon the bye-law shall cease to have effect."

Government may sanction any bye-law or cancel its sanction.

T. ANANDA ROW,
Dewan.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 42.

BANGALORE, THURSDAY, OCTOBER 26, 1911.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. XI OF 1911.

(Received the assent of His Highness the Maharaja on the 9th day of October 1911.)

A Regulation to provide for the Prevention of Smoking by Juveniles.

Preamble.

Whereas it is expedient to provide for the prevention of smoking by youthful persons in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Short title.

1. (1) This Regulation shall be called "The Prevention of Juvenile Smoking Regulation, 1911."

Extent and commencement.

(2) It shall extend to the whole of Mysore; and

(3) It shall come into force in such areas and from such date as may be notified by the Government in the official gazette in this behalf.

Interpretation.

2. In this Regulation unless there is something repugnant in the subject or context—

"Police Officer."

"Police Officer" shall mean a member of the Regular Police Force appointed under the Mysore Police Regulation, 1908, as well as a member of the Village Police Force appointed under the Rules for the organisation and regulation of the Village Police for the time being in force.

"Tobacco."

"Tobacco" shall mean tobacco cut or uncut and includes any preparation or mixture of tobacco with other substances for the purpose of smoking or chewing or taking in as snuff.

Penalty on selling tobacco to youthful persons.

3. If any person sells to a person actually and by appearance under the age of sixteen years, except on the written order of the parent, guardian or employer of such last-named person, any tobacco, he shall be liable, on conviction before a Magistrate, in the case of a first conviction, to a fine not exceeding twenty rupees, and in the case of a second conviction to a fine not exceeding fifty rupees, and in the case of a third and every subsequent conviction, to a fine not exceeding one hundred rupees.

Seizure of tobacco.

4. It shall be the duty of a Police Officer to seize any tobacco in the possession of any person apparently under the age of sixteen whom he finds smoking, or chewing or taking in as snuff, tobacco in any street or public place.

Tobacco seized how dealt with.

5. The articles seized under the last preceding section together with the person from whom they were seized shall be forthwith taken to the nearest Police Station, and the Officer in charge of such Police Station shall take down the name and address of the person's parent or guardian and ascertain if he is a pupil of any public school and at once set him free.

Notice to be given after seizure.

6. The Officer in charge of the said Police Station shall then send a notice of such seizure to the parent or guardian and to the Head Master of the School.

Person found with tobacco how dealt with.

7. If a person who has once been set free under Section 5 is again apprehended after a lapse of three months from the date of issue of any notice under the last preceding section, he may be sent in custody before the nearest Magistrate as soon as possible, unless an undertaking in writing is given by the parent or guardian or some other respectable person to produce him whenever required, in which case, he shall be forthwith released.

Punishment.

8. When a person under sixteen years of age is produced before a Magistrate under the last preceding section, such Magistrate may either discharge him with a warning or inflict on him a fine not exceeding one rupee or order him to receive six stripes in the way of school discipline. Provided that no imprisonment shall be awarded in default of payment of fine.

Whipping.

9. Any sentence of whipping passed under this Regulation shall be administered privately in the presence of the Magistrate.

T. ANANDA ROW,
Dewan.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 44.

BANGALORE, THURSDAY, NOVEMBER 9, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1404—*Legis.* 22-10, *dated 8th November* 1911.

In exercise of the powers conferred by section 6 of the Mysore Game and Fish Preservation Regulation, II of 1901, the Government of His Highness the Maharaja of Mysore are pleased to direct that Rule 10 B of the rules published with Notification No. 9007—Legis. 56, dated 11th December 1901, and amended by Notification No. J. 498—Legis. 18-07-2, dated the 13th August 1908, be further amended as follows:—

In para 1, *for the words* "in the vicinity of the town or village where the licensee resides, as may be specified by the District Magistrate in the license," *substitute* "as lies within the limits of the *hobli* in which the licensee resides"; and in para 2, *for the words* "town or village where," *substitute* "Hobli within the limits of which."

As modified, the rule will read as follows:—

"Rule 10 B.—Notwithstanding anything contained in Rules 9 and 10, the District Magistrate may grant to an owner or occupier of land in any of the tracts specified in the margin, a license to pursue, shoot at and kill game on payment of a reduced fee of Rs. 2 which shall have operation over such portion of the District and State Forests and lands specially protected under Section 35 of the Mysore Forest Regulation, as lies within the limits of the hobli in which the licensee resides.

The whole of the Shimoga and Kadur Districts; the Hassan Taluk (including Alûr Sub-Taluk), and the Manjarabad and Belur Taluks of the Hassan District; and the Heggaddevankote, Hunsur, Chamrajnagar and Gundlupet Taluks of the Mysore District.

"If the hobli within the limits of which the licensee resides adjoins another district, the operation of such license may be extended, without payment of any additional fee, to any specified portion of such adjoining district, State Forest and land specially protected as aforesaid, situated therein, on countersignature by the District Magistrate of such district.

"It shall be competent to the District Magistrate granting a license under this rule, to withdraw or cancel the same at any time, for sufficient cause."

By Order,

C. S. Balasundaram Iyer,

Officiating Secretary to Government,

General and Revenue Departments.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 45.

BANGALORE, THURSDAY, NOVEMBER 16, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 73—L. C., dated 9th November 1911.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, is published for general information with the Bill as amended by the Committee.

By Order,
S. HIRIYANNAIYA,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill to further amend the Mysore Land Revenue Code.

We, the members of the Select Committee appointed to consider the Mysore Land Revenue Code Amendment Bill, have the honor to submit the following report to the Council.

2. We have carefully considered the provisions of the Bill and we are of opinion that on the whole they are suitable. We propose a few minor alterations which are explained below :—

3. We considered the question whether the superior holder should be allowed a 'first' charge or a 'paramount' charge on the holding and we came to the conclusion that 'first' charge would be the appropriate expression.

The Land Revenue Code (S. 54) gives Government a paramount charge, and as stated in the provision, a power to declare forfeiture seems to be the main incident of such paramount right. A superior holder, whether an Inamdar or not, does not possess such a right and so it does not seem to be proper to allow him a paramount charge.

4. We note that the language of clause 1 of the Bill is wide enough to include cases of superior holders of unalienated lands and after giving our careful consideration to the matter we agreed that there was no reason why superior holders of the latter class should not be allowed a privilege which is now for the first time to be allowed to the Inamdars. We may again explain here that the provision, in so far as Government lands are concerned, will apply only to cases of tenancy where the tenant has an interest in the land.

5. The question whether the term fixed in clause 2 of the Bill should not b extended by another year engaged our attention, but having regard to the fact tha the summary procedure laid down in Section 97 of the Code is primarily intende to be applicable to applications for relief which are free from complicated question of fact or law, we are of opinion that it is not desirable that the period should b further extended. As it is, the superior holder can practically recover three years dues through the Deputy Commissioner, *viz.*, the rent of the year of tenancy and o two subsequent years.

6. We recommend that the Bill be passed with the following alterations :—

7. *Clause 1.*—According to the Bill, the rate of interest to be allowed to th Inamdar on the arrears of rent or land revenue is to be at rates fixed by Govern ment under Section 154 for Government dues. This section authorises the Deput Commissioner to levy interest on Government arrears not exceeding the limits lai down in a scale to be fixed under the orders of Government. We consider it desir able that, in the case of the arrears due to the superior holders, the rate of interes to be charged should be fixed by Government itself and we accordingly suggest tha the words "under Section 154" be omitted. For the sake of clearness we recom mend that the words "together with interest at rates fixed by any rules framed by Government" be placed after "superior holder" in line 3 of the proposed Sectior 96 A, the brackets being omitted.

8. *Clause 3.*—In consequence of the changes that will be effected in the law by clause 1, a period of limitation has to be fixed in regard to three different classes of cases, *viz.*,—

(1) Cases where a superior holder has to recover arrears of *revenue* from an inferior holder,

(2) Cases where the *rent* or *revenue* has to be enforced as a *charge* on the holding and

(3) Cases where rent has to be recovered from (the person of) the inferio holder.

9. In regard to case (1), the period applicable according to the Chief Court decision in the case of N. Subba Rao *v.* Veera Naika (XI Mysore Chief Court Reports, 118) is six years and the same period is adopted in the Bill. No alteration is therefore called for.

In regard to case (2), the period applicable would be 12 years under Article 132 of the Limitation Regulation if no special provision were made fixing a different period. For various reasons we deem it undesirable that such a long period should be allowed for the recovery of the superior holder's dues. We consider that a period of six years is quite sufficient. We therefore propose the addition of the words "or to enforce a charge for rent or revenue on a holding" to column 1 of the proposed Article 119A.

10. This change will constitute an exception to Article 132 of the first schedule of the Limitation Regulation and we therefore suggest that the words "except in cases provided for in Article 119 A" be added to the words in column 1 of that article.

11. Cases falling under class (3) referred to in para 8 above, *viz.*, simple suits for rent (in which the superior holder cannot have a charge on the holding, as the inferior holder will have no interest in it) will continue to be governed by Article 110 of the first schedule of the Limitation Regulation, which fixes a period of three years for such suits.

We recommend that the Bill as now amended may be passed.

K. P. PUTTANNA CHETTY.
H. V. NANJUNDAYYA.
RAJAMANTRAPRAVINA
C. SRINIVASIENGAR.
RAJAKARYAPRAVINA
A. RANGASWAMI IYENGAR.
D. DEVARAJ URS.
D. VENKATARAMAIYA.

Mysore,
30th October 1911.

Mr. Ramanna, who was also a member of the Select Committee, was unable to be present at the meeting.

A Bill further to amend the Mysore Land Revenue Code, Regulation No. IV of 1888.

(As amended by the Select Committee.)

[*N.B.*—Omissions are indicated by square brackets and additions by italics.]

Preamble.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows:—

Insertion of a new section before Section 97.

1. The following new section shall be inserted under the heading "Recovery of superior holders' dues" and before Section 97 as Section 96 A, *viz.*,—

Land revenue payable to a superior holder by an inferior holder to be a first charge on the holding.

"96 A. Any rent or land revenue [(together with interest at rates fixed by any rules framed by Government under Section 154)] payable by an inferior holder to a superior holder *together with interest at rates fixed by any rules framed by Government*, shall be a first charge on the holding or any part thereof, provided that nothing in this section shall affect any right of the Government or any right or encumbrance created by the inferior holder with the consent of the superior holder in writing registered on before the date of this Regulation coming into force."

Amendment of proviso to Section 97.

2. The words "within two years from the end of the revenue year or the year of tenancy" shall be substituted for the words "within the revenue year or within the year of tenancy" in the proviso to Section 97.

Amendment of Schedule I to the Mysore Limitation Regulation, 1911.

3. The following article shall be inserted after Article 119 of the first schedule to the Mysore Limitation Regulation, 1911, *viz.*,—

"119 A. By a superior holder to recover arrears of revenue from an inferior holder *or to enforce a charge for rent or revenue on a holding.*"	Six years	The end of the revenue year for which the amount became due.

4. The words "except in cases provided for in Article 119 A" shall be inserted at the end of column 1 of Article 132 of the first schedule to the Mysore Limitation Regulation, 1911.

The Mysore Gazette.

Vol. 46.] PUBLISHED BY AUTHORITY. [No. 46.

BANGALORE, THURSDAY, NOVEMBER 23, 1911.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1539—*Legis.* 16-09, *dated* 15*th November* 1911.

The following notification of the Government on the standard yard issued on 6th January 1894, is republished for general information :—

"Notification No. 11058—G. F. 441-92, dated Bangalore, 6th January 1894.

"Under Section 3 of Regulation III of 1890, (the Measures of Length Regulation, 1890), His Highness the Maharaja has been pleased to give his approval to a copy of the Imperial Standard Yard marked thus 'No. 445, certified copy of the standard yard' and to direct that the same be kept at the District Treasury in the City of Mysore.

2. A certified copy of the standard yard is kept in charge of each District Magistrate and of each Sub-Division Magistrate in the State and an uncertified copy of the standard yard in charge of each Taluk Magistrate at stations which are not the headquarters of a District or a Sub-Division. These measures are hereby declared to be of the length of the standard yard and the measure marked thereon as a foot or inch to be of the length respectively of the standard foot or standard inch.

3. The measures thus kept at the District, Sub-Division and Taluk Offices shall be available for the inspection of any person free of charge as required by Section 6 of the Regulation."

By Order,

C. S. BALASUNDARAM IYER,

Officiating Secretary to Government,

General and Revenue Departments.